

107TH CONGRESS
2D SESSION

H. R. 5585

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2002

Mr. CASTLE (for himself and Mr. BOEHNER) introduced the following bill;
which was referred to the Committee on Education and the Workforce

A BILL

To provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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1 **TITLE I—EDUCATION SCIENCES** 2 **REFORM**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Education Sciences
 5 Reform Act of 2002”.

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—The terms “elementary
 9 school”, “secondary school”, “local educational agen-
 10 cy”, and “State educational agency” have the mean-
 11 ings given those terms in section 9101 of the Ele-
 12 mentary and Secondary Education Act of 1965 (20
 13 U.S.C. 7801) and the terms “freely associated
 14 states” and “outlying area” have the meanings given
 15 those terms in section 1121(c) of such Act (20
 16 U.S.C. 6331(c)).

1 (2) APPLIED RESEARCH.—The term “applied
2 research” means research—

3 (A) to gain knowledge or understanding
4 necessary for determining the means by which
5 a recognized and specific need may be met; and

6 (B) that is specifically directed to the ad-
7 vancement of practice in the field of education.

8 (3) BASIC RESEARCH.—The term “basic re-
9 search” means research—

10 (A) to gain fundamental knowledge or un-
11 derstanding of phenomena and observable facts,
12 without specific application toward processes or
13 products; and

14 (B) for the advancement of knowledge in
15 the field of education.

16 (4) BOARD.—The term “Board” means the Na-
17 tional Board for Education Sciences established
18 under section 116.

19 (5) BUREAU.—The term “Bureau” means the
20 Bureau of Indian Affairs.

21 (6) COMPREHENSIVE CENTER.—The term
22 “comprehensive center” means an entity established
23 under section 203 of the Educational Technical As-
24 sistance Act of 2002.

1 (7) DEPARTMENT.—The term “Department”
2 means the Department of Education.

3 (8) DEVELOPMENT.—The term “development”
4 means the systematic use of knowledge or under-
5 standing gained from the findings of scientifically
6 valid research and the shaping of that knowledge or
7 understanding into products or processes that can be
8 applied and evaluated and may prove useful in areas
9 such as the preparation of materials and new meth-
10 ods of instruction and practices in teaching, that
11 lead to the improvement of the academic skills of
12 students, and that are replicable in different edu-
13 cational settings.

14 (9) DIRECTOR.—The term “Director” means
15 the Director of the Institute of Education Sciences.

16 (10) DISSEMINATION.—The term “dissemina-
17 tion” means the communication and transfer of the
18 results of scientifically valid research, statistics, and
19 evaluations, in forms that are understandable, easily
20 accessible, and usable, or adaptable for use in, the
21 improvement of educational practice by teachers, ad-
22 ministrators, librarians, other practitioners, re-
23 searchers, parents, policymakers, and the public,
24 through technical assistance, publications, electronic
25 transfer, and other means.

1 (11) EARLY CHILDHOOD EDUCATOR.—The
2 term “early childhood educator” means a person
3 providing, or employed by a provider of, nonresiden-
4 tial child care services (including center-based, fam-
5 ily-based, and in-home child care services) that is le-
6 gally operating under State law, and that complies
7 with applicable State and local requirements for the
8 provision of child care services to children at any age
9 from birth through the age at which a child may
10 start kindergarten in that State.

11 (12) FIELD-INITIATED RESEARCH.—The term
12 “field-initiated research” means basic research or
13 applied research in which specific questions and
14 methods of study are generated by investigators (in-
15 cluding teachers and other practitioners) and that
16 conforms to standards of scientifically valid research.

17 (13) HISTORICALLY BLACK COLLEGE OR UNI-
18 VERSITY.—The term “historically Black college or
19 university” means a part B institution as defined in
20 section 322 of the Higher Education Act of 1965
21 (20 U.S.C. 1061).

22 (14) INSTITUTE.—The term “Institute” means
23 the Institute of Education Sciences established
24 under section 111.

1 (15) INSTITUTION OF HIGHER EDUCATION.—

2 The term “institution of higher education” has the
3 meaning given that term in section 101(a) of the
4 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

5 (16) NATIONAL RESEARCH AND DEVELOPMENT

6 CENTER.—The term “national research and develop-
7 ment center” means a research and development
8 center supported under section 133(c).

9 (17) PROVIDER OF EARLY CHILDHOOD SERV-

10 ICES.—The term “provider of early childhood serv-
11 ices” means a public or private entity that serves
12 young children, including—

13 (A) child care providers;

14 (B) Head Start agencies operating Head
15 Start programs, and entities carrying out Early
16 Head Start programs, under the Head Start
17 Act (42 U.S.C. 9831 et seq.);

18 (C) preschools;

19 (D) kindergartens; and

20 (E) libraries.

21 (18) SCIENTIFICALLY BASED RESEARCH

22 STANDARDS.—(A) The term “scientifically based re-
23 search standards” means research standards that—

24 (i) apply rigorous, systematic, and objec-
25 tive methodology to obtain reliable and valid

1 knowledge relevant to education activities and
2 programs; and

3 (ii) present findings and make claims that
4 are appropriate to and supported by the meth-
5 ods that have been employed.

6 (B) The term includes, appropriate to the re-
7 search being conducted—

8 (i) employing systematic, empirical meth-
9 ods that draw on observation or experiment;

10 (ii) involving data analyses that are ade-
11 quate to support the general findings;

12 (iii) relying on measurements or observa-
13 tional methods that provide reliable data;

14 (iv) making claims of causal relationships
15 only in random assignment experiments or
16 other designs (to the extent such designs sub-
17 stantially eliminate plausible competing expla-
18 nations for the obtained results);

19 (v) ensuring that studies and methods are
20 presented in sufficient detail and clarity to
21 allow for replication or, at a minimum, to offer
22 the opportunity to build systematically on the
23 findings of the research;

24 (vi) obtaining acceptance by a peer-re-
25 viewed journal or approval by a panel of inde-

pendent experts through a comparably rigorous,
objective, and scientific review; and

(vii) using research designs and methods
appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVAL-
UATION.—The term “scientifically valid education
evaluation” means an evaluation that—

(A) adheres to the highest possible stand-
ards of quality with respect to research design
and statistical analysis;

(B) provides an adequate description of the
programs evaluated and, to the extent possible,
examines the relationship between program im-
plementation and program impacts;

(C) provides an analysis of the results
achieved by the program with respect to its pro-
jected effects;

(D) employs experimental designs using
random assignment, when feasible, and other
research methodologies that allow for the
strongest possible causal inferences when ran-
dom assignment is not feasible; and

(E) may study program implementation
through a combination of scientifically valid and
reliable methods.

1 (20) SCIENTIFICALLY VALID RESEARCH.—The
2 term “scientifically valid research” includes applied
3 research, basic research, and field-initiated research
4 in which the rationale, design, and interpretation are
5 soundly developed in accordance with scientifically
6 based research standards.

7 (21) SECRETARY.—The term “Secretary”
8 means the Secretary of Education.

9 (22) STATE.—The term “State” includes (ex-
10 cept as provided in section 158) each of the 50
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, the freely associated states, and the
13 outlying areas.

14 (23) TECHNICAL ASSISTANCE.—The term
15 “technical assistance” means—

16 (A) assistance in identifying, selecting, or
17 designing solutions based on research, including
18 professional development and high-quality train-
19 ing to implement solutions leading to—

20 (i) improved educational and other
21 practices and classroom instruction based
22 on scientifically valid research; and

23 (ii) improved planning, design, and
24 administration of programs;

1 (B) assistance in interpreting, analyzing,
2 and utilizing statistics and evaluations; and

3 (C) other assistance necessary to encour-
4 age the improvement of teaching and learning
5 through the applications of techniques sup-
6 ported by scientifically valid research.

7 **PART A—THE INSTITUTE OF EDUCATION**
8 **SCIENCES**

9 **SEC. 111. ESTABLISHMENT.**

10 (a) ESTABLISHMENT.—There shall be in the Depart-
11 ment the Institute of Education Sciences, to be adminis-
12 tered by a Director (as described in section 114) and, to
13 the extent set forth in section 116, a board of directors.

14 (b) MISSION.—

15 (1) IN GENERAL.—The mission of the Institute
16 is to provide national leadership in expanding funda-
17 mental knowledge and understanding of education
18 from early childhood through postsecondary study,
19 in order to provide parents, educators, students, re-
20 searchers, policymakers, and the general public with
21 reliable information about—

22 (A) the condition and progress of edu-
23 cation in the United States, including early
24 childhood education;

1 (B) educational practices that support
2 learning and improve academic achievement and
3 access to educational opportunities for all stu-
4 dents; and

5 (C) the effectiveness of Federal and other
6 education programs.

7 (2) CARRYING OUT MISSION.—In carrying out
8 the mission described in paragraph (1), the Institute
9 shall compile statistics, develop products, and con-
10 duct research, evaluations, and wide dissemination
11 activities in areas of demonstrated national need (in-
12 cluding in technology areas) that are supported by
13 Federal funds appropriated to the Institute and en-
14 sure that such activities—

15 (A) conform to high standards of quality,
16 integrity, and accuracy; and

17 (B) are objective, secular, neutral, and
18 nonideological and are free of partisan political
19 influence and racial, cultural, gender, or re-
20 gional bias.

21 (c) ORGANIZATION.—The Institute shall consist of
22 the following:

23 (1) The Office of the Director (as described in
24 section 114).

1 (2) The National Board for Education Sciences
2 (as described in section 116).

3 (3) The National Education Centers, which
4 include—

5 (A) the National Center for Education Re-
6 search (as described in part B);

7 (B) the National Center for Education
8 Statistics (as described in part C); and

9 (C) the National Center for Education
10 Evaluation and Regional Assistance (as de-
11 scribed in part D).

12 **SEC. 112. FUNCTIONS.**

13 From funds appropriated under section 194, the In-
14 stitute, directly or through grants, contracts, or coopera-
15 tive agreements, shall—

16 (1) conduct and support scientifically valid re-
17 search activities, including basic research and ap-
18 plied research, statistics activities, scientifically valid
19 education evaluation, development, and wide dissemi-
20 nation;

21 (2) widely disseminate the findings and results
22 of scientifically valid research in education;

23 (3) promote the use, development, and applica-
24 tion of knowledge gained from scientifically valid re-
25 search activities;

1 (4) strengthen the national capacity to conduct,
2 develop, and widely disseminate scientifically valid
3 research in education;

4 (5) promote the coordination, development, and
5 dissemination of scientifically valid research in edu-
6 cation within the Department and the Federal Gov-
7 ernment; and

8 (6) promote the use and application of research
9 and development to improve practice in the class-
10 room.

11 **SEC. 113. DELEGATION.**

12 (a) DELEGATION OF AUTHORITY.—Notwithstanding
13 section 412 of the Department of Education Organization
14 Act (20 U.S.C. 3472), the Secretary shall delegate to the
15 Director all functions for carrying out this title (other
16 than administrative and support functions), except that—

17 (1) nothing in this title or in the National As-
18 sessment of Educational Progress Authorization Act
19 (except section 302(e)(1)(J) of such Act) shall be
20 construed to alter or diminish the role, responsibil-
21 ities, or authority of the National Assessment Gov-
22 erning Board with respect to the National Assess-
23 ment of Educational Progress (including with re-
24 spect to the methodologies of the National Assess-
25 ment of Educational Progress described in section

1 302(e)(1)(E)) from those authorized by the National
2 Education Statistics Act of 1994 (20 U.S.C. 9001 et
3 seq.) on the day before the date of enactment of this
4 Act;

5 (2) members of the National Assessment Gov-
6 erning Board shall continue to be appointed by the
7 Secretary;

8 (3) section 302(f)(1) of the National Assess-
9 ment of Educational Progress Authorization Act
10 shall apply to the National Assessment Governing
11 Board in the exercise of its responsibilities under
12 this Act;

13 (4) sections 115 and 116 shall not apply to the
14 National Assessment of Educational Progress; and

15 (5) sections 115 and 116 shall not apply to the
16 National Assessment Governing Board.

17 (b) OTHER ACTIVITIES.—The Secretary may assign
18 the Institute responsibility for administering other activi-
19 ties, if those activities are consistent with—

20 (1) the Institute’s priorities, as approved by the
21 National Board for Education Sciences under sec-
22 tion 116, and the Institute’s mission, as described in
23 section 111(b); or

24 (2) the Institute’s mission, but only if those ac-
25 tivities do not divert the Institute from its priorities.

1 **SEC. 114. OFFICE OF THE DIRECTOR.**

2 (a) APPOINTMENT.—Except as provided in sub-
3 section (b)(2), the President, by and with the advice and
4 consent of the Senate, shall appoint the Director of the
5 Institute.

6 (b) TERM.—

7 (1) IN GENERAL.—The Director shall serve for
8 a term of 6 years, beginning on the date of appoint-
9 ment of the Director.

10 (2) FIRST DIRECTOR.—The President, without
11 the advice and consent of the Senate, may appoint
12 the Assistant Secretary for the Office of Educational
13 Research and Improvement (as such office existed
14 on the day before the date of enactment of this Act)
15 to serve as the first Director of the Institute.

16 (3) SUBSEQUENT DIRECTORS.—The Board may
17 make recommendations to the President with respect
18 to the appointment of a Director under subsection
19 (a), other than a Director appointed under para-
20 graph (2).

21 (c) PAY.—The Director shall receive the rate of basic
22 pay for level II of the Executive Schedule.

23 (d) QUALIFICATIONS.—The Director shall be selected
24 from individuals who are highly qualified authorities in the
25 fields of scientifically valid research, statistics, or evalua-
26 tion in education, as well as management within such

1 areas, and have a demonstrated capacity for sustained
2 productivity and leadership in these areas.

3 (e) ADMINISTRATION.—The Director shall—

4 (1) administer, oversee, and coordinate the ac-
5 tivities carried out under the Institute, including the
6 activities of the National Education Centers; and

7 (2) coordinate and approve budgets and oper-
8 ating plans for each of the National Education Cen-
9 ters for submission to the Secretary.

10 (f) DUTIES.—The duties of the Director shall include
11 the following:

12 (1) To propose to the Board priorities for the
13 Institute, in accordance with section 115(a).

14 (2) To ensure the methodology applied in con-
15 ducting research, development, evaluation, and sta-
16 tistical analysis is consistent with the standards for
17 such activities under this title.

18 (3) To coordinate education research and re-
19 lated activities carried out by the Institute with such
20 research and activities carried out by other agencies
21 within the Department and the Federal Government.

22 (4) To advise the Secretary on research, evalua-
23 tion, and statistics activities relevant to the activities
24 of the Department.

1 (5) To establish necessary procedures for tech-
2 nical and scientific peer review of the activities of
3 the Institute, consistent with section 116(b)(3).

4 (6) To ensure that all participants in research
5 conducted or supported by the Institute are afforded
6 their privacy rights and other relevant protections as
7 research subjects, in accordance with section 183 of
8 this title, section 552a of title 5, United States
9 Code, and sections 444 and 445 of the General Edu-
10 cation Provisions Act (20 U.S.C. 1232g, 1232h).

11 (7) To ensure that activities conducted or sup-
12 ported by the Institute are objective, secular, neu-
13 tral, and nonideological and are free of partisan po-
14 litical influence and racial, cultural, gender, or re-
15 gional bias.

16 (8) To undertake initiatives and programs to
17 increase the participation of researchers and institu-
18 tions that have been historically underutilized in
19 Federal education research activities of the Institute,
20 including historically Black colleges or universities or
21 other institutions of higher education with large
22 numbers of minority students.

23 (9) To coordinate with the Secretary to promote
24 and provide for the coordination of research and de-
25 velopment activities and technical assistance activi-

1 ties between the Institute and comprehensive cen-
2 ters.

3 (10) To solicit and consider the recommenda-
4 tions of education stakeholders, in order to ensure
5 that there is broad and regular public and profes-
6 sional input from the educational field in the plan-
7 ning and carrying out of the Institute's activities.

8 (11) To coordinate the wide dissemination of
9 information on scientifically valid research.

10 (12) To carry out and support other activities
11 consistent with the priorities and mission of the In-
12 stitute.

13 (g) EXPERT GUIDANCE AND ASSISTANCE.—The Di-
14 rector may establish technical and scientific peer-review
15 groups and scientific program advisory committees for re-
16 search and evaluations that the Director determines are
17 necessary to carry out the requirements of this title. The
18 Director shall appoint such personnel, except that officers
19 and employees of the United States shall comprise no
20 more than $\frac{1}{4}$ of the members of any such group or com-
21 mittee and shall not receive additional compensation for
22 their service as members of such a group or committee.
23 The Director shall ensure that reviewers are highly quali-
24 fied and capable to appraise education research and devel-
25 opment projects. The Federal Advisory Committee Act (5

1 U.S.C. App.) shall not apply to a peer-review group or
2 an advisory committee established under this subsection.

3 (h) REVIEW.—The Director may, when requested by
4 other officers of the Department, and shall, when directed
5 by the Secretary, review the products and publications of
6 other offices of the Department to certify that evidence-
7 based claims about those products and publications are
8 scientifically valid.

9 **SEC. 115. PRIORITIES.**

10 (a) PROPOSAL.—The Director shall propose to the
11 Board priorities for the Institute (taking into consider-
12 ation long-term research and development on core issues
13 conducted through the national research and development
14 centers). The Director shall identify topics that may re-
15 quire long-term research and topics that are focused on
16 understanding and solving particular education problems
17 and issues, including those associated with the goals and
18 requirements established in the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.)
20 and the Higher Education Act of 1965 (20 U.S.C. 1001
21 et seq.), such as—

22 (1) closing the achievement gap between high-
23 performing and low-performing children, especially
24 achievement gaps between minority and nonminority

1 children and between disadvantaged children and
2 such children's more advantaged peers; and

3 (2) ensuring—

4 (A) that all children have the ability to ob-
5 tain a high-quality education (from early child-
6 hood through postsecondary education) and
7 reach, at a minimum, proficiency on challenging
8 State academic achievement standards and
9 State academic assessments, particularly in
10 mathematics, science, and reading or language
11 arts;

12 (B) access to, and opportunities for, post-
13 secondary education; and

14 (C) the efficacy, impact on academic
15 achievement, and cost-effectiveness of tech-
16 nology use within the Nation's schools.

17 (b) APPROVAL.—The Board shall approve or dis-
18 approve the priorities for the Institute proposed by the Di-
19 rector, including any necessary revision of those priorities.
20 The Board shall transmit any priorities so approved to
21 the appropriate congressional committees.

22 (c) CONSISTENCY.—The Board shall ensure that pri-
23 orities of the Institute and the National Education Cen-
24 ters are consistent with the mission of the Institute.

25 (d) PUBLIC AVAILABILITY AND COMMENT.—

1 (1) PRIORITIES.—Before submitting to the
2 Board proposed priorities for the Institute, the Di-
3 rector shall make such priorities available to the
4 public for comment for not less than 60 days (in-
5 cluding by means of the Internet and through pub-
6 lishing such priorities in the Federal Register). The
7 Director shall provide to the Board a copy of each
8 such comment submitted.

9 (2) PLAN.—Upon approval of such priorities,
10 the Director shall make the Institute’s plan for ad-
11 dressing such priorities available for public comment
12 in the same manner as under paragraph (1).

13 **SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.**

14 (a) ESTABLISHMENT.—The Institute shall have a
15 board of directors, which shall be known as the National
16 Board for Education Sciences.

17 (b) DUTIES.—The duties of the Board shall be the
18 following:

19 (1) To advise and consult with the Director on
20 the policies of the Institute.

21 (2) To consider and approve priorities proposed
22 by the Director under section 115 to guide the work
23 of the Institute.

1 (3) To review and approve procedures for tech-
2 nical and scientific peer review of the activities of
3 the Institute.

4 (4) To advise the Director on the establishment
5 of activities to be supported by the Institute, includ-
6 ing the general areas of research to be carried out
7 by the National Center for Education Research.

8 (5) To present to the Director such rec-
9 ommendations as it may find appropriate for—

10 (A) the strengthening of education re-
11 search; and

12 (B) the funding of the Institute.

13 (6) To advise the Director on the funding of
14 applications for grants, contracts, and cooperative
15 agreements for research, after the completion of peer
16 review.

17 (7) To review and regularly evaluate the work
18 of the Institute, to ensure that scientifically valid re-
19 search, development, evaluation, and statistical anal-
20 ysis are consistent with the standards for such ac-
21 tivities under this title.

22 (8) To advise the Director on ensuring that ac-
23 tivities conducted or supported by the Institute are
24 objective, secular, neutral, and nonideological and

1 are free of partisan political influence and racial,
2 cultural, gender, or regional bias.

3 (9) To solicit advice and information from those
4 in the educational field, particularly practitioners
5 and researchers, to recommend to the Director top-
6 ics that require long-term, sustained, systematic,
7 programmatic, and integrated research efforts, in-
8 cluding knowledge utilization and wide dissemination
9 of research, consistent with the priorities and mis-
10 sion of the Institute.

11 (10) To advise the Director on opportunities for
12 the participation in, and the advancement of,
13 women, minorities, and persons with disabilities in
14 education research, statistics, and evaluation activi-
15 ties of the Institute.

16 (11) To recommend to the Director ways to en-
17 hance strategic partnerships and collaborative efforts
18 among other Federal and State research agencies.

19 (12) To recommend to the Director individuals
20 to serve as Commissioners of the National Edu-
21 cation Centers.

22 (c) COMPOSITION.—

23 (1) VOTING MEMBERS.—The Board shall have
24 15 voting members appointed by the President, by
25 and with the advice and consent of the Senate.

1 (2) ADVICE.—The President shall solicit advice
2 regarding individuals to serve on the Board from the
3 National Academy of Sciences, the National Science
4 Board, and the National Science Advisor.

5 (3) NONVOTING EX OFFICIO MEMBERS.—The
6 Board shall have the following nonvoting ex officio
7 members:

8 (A) The Director of the Institute of Edu-
9 cation Sciences.

10 (B) Each of the Commissioners of the Na-
11 tional Education Centers.

12 (C) The Director of the National Institute
13 of Child Health and Human Development.

14 (D) The Director of the Census.

15 (E) The Commissioner of Labor Statistics.

16 (F) The Director of the National Science
17 Foundation.

18 (4) APPOINTED MEMBERSHIP.—

19 (A) QUALIFICATIONS.—Members ap-
20 pointed under paragraph (1) shall be highly
21 qualified to appraise education research, statis-
22 tics, evaluations, or development, and shall in-
23 clude the following individuals:

24 (i) Not fewer than 8 researchers in
25 the field of statistics, evaluation, social

1 sciences, or physical and biological
2 sciences, which may include those research-
3 ers recommended by the National Academy
4 of Sciences.

5 (ii) Individuals who are knowledgeable
6 about the educational needs of the United
7 States, who may include school-based pro-
8 fessional educators, parents (including par-
9 ents with experience in promoting parental
10 involvement in education), Chief State
11 School Officers, State postsecondary edu-
12 cation executives, presidents of institutions
13 of higher education, local educational agen-
14 cy superintendents, early childhood ex-
15 perts, principals, members of State or local
16 boards of education or Bureau-funded
17 school boards, and individuals from busi-
18 ness and industry with experience in pro-
19 moting private sector involvement in edu-
20 cation.

21 (B) TERMS.—Each member appointed
22 under paragraph (1) shall serve for a term of
23 4 years, except that—

24 (i) the terms of the initial members
25 appointed under such paragraph shall (as

1 determined by a random selection process
2 at the time of appointment) be for stag-
3 gered terms of—

4 (I) 4 years for each of 5 mem-
5 bers;

6 (II) 3 years for each of 5 mem-
7 bers; and

8 (III) 2 years for each of 5 mem-
9 bers; and

10 (ii) no member appointed under such
11 paragraph shall serve for more than 2 con-
12 secutive terms.

13 (C) UNEXPIRED TERMS.—Any member ap-
14 pointed to fill a vacancy occurring before the
15 expiration of the term for which the member's
16 predecessor was appointed shall be appointed
17 only for the remainder of that term.

18 (D) CONFLICT OF INTEREST.—A voting
19 member of the Board shall be considered a spe-
20 cial Government employee for the purposes of
21 the Ethics in Government Act of 1978.

22 (5) CHAIR.—The Board shall elect a chair from
23 among the members of the Board.

24 (6) COMPENSATION.—Members of the Board
25 shall serve without pay for such service. Members of

1 the Board who are officers or employees of the
2 United States may not receive additional pay, allow-
3 ances, or benefits by reason of their service on the
4 Board.

5 (7) TRAVEL EXPENSES.—The members of the
6 Board shall receive travel expenses, including per
7 diem in lieu of subsistence, in accordance with sub-
8 chapter I of chapter 57 of title 5, United States
9 Code.

10 (8) POWERS OF THE BOARD.—

11 (A) EXECUTIVE DIRECTOR.—The Board
12 shall have an Executive Director who shall be
13 appointed by the Board.

14 (B) ADDITIONAL STAFF.—The Board shall
15 utilize such additional staff as may be ap-
16 pointed or assigned by the Director, in con-
17 sultation with the Chair and the Executive Di-
18 rector.

19 (C) DETAIL OF PERSONNEL.—The Board
20 may use the services and facilities of any de-
21 partment or agency of the Federal Government.
22 Upon the request of the Board, the head of any
23 Federal department or agency may detail any
24 of the personnel of that department or agency

1 to the Board to assist the Board in carrying out
2 this Act.

3 (D) CONTRACTS.—The Board may enter
4 into contracts or make other arrangements as
5 may be necessary to carry out its functions.

6 (E) INFORMATION.—The Board may, to
7 the extent otherwise permitted by law, obtain
8 directly from any executive department or agen-
9 cy of the Federal Government such information
10 as the Board determines necessary to carry out
11 its functions.

12 (9) MEETINGS.—The Board shall meet not less
13 than 3 times each year. The Board shall hold addi-
14 tional meetings at the call of the Chair or upon the
15 written request of not less than 6 voting members
16 of the Board. Meetings of the Board shall be open
17 to the public.

18 (10) QUORUM.—A majority of the voting mem-
19 bers of the Board serving at the time of the meeting
20 shall constitute a quorum.

21 (d) STANDING COMMITTEES.—

22 (1) ESTABLISHMENT.—The Board may estab-
23 lish standing committees—

24 (A) that will each serve 1 of the National
25 Education Centers; and

1 (B) to advise, consult with, and make rec-
2 ommendations to the Director and the Commis-
3 sioner of the appropriate National Education
4 Center.

5 (2) MEMBERSHIP.—A majority of the members
6 of each standing committee shall be voting members
7 of the Board whose expertise is needed for the func-
8 tioning of the committee. In addition, the member-
9 ship of each standing committee may include, as
10 appropriate—

11 (A) experts and scientists in research, sta-
12 tistics, evaluation, or development who are rec-
13 ognized in their discipline as highly qualified to
14 represent such discipline and who are not mem-
15 bers of the Board, but who may have been rec-
16 ommended by the Commissioner of the appro-
17 priate National Education Center and approved
18 by the Board;

19 (B) ex officio members of the Board; and

20 (C) policymakers and expert practitioners
21 with knowledge of, and experience using, the re-
22 sults of research, evaluation, and statistics who
23 are not members of the Board, but who may
24 have been recommended by the Commissioner

1 of the appropriate National Education Center
2 and approved by the Board.

3 (3) DUTIES.—Each standing committee shall—

4 (A) review and comment, at the discretion
5 of the Board or the standing committee, on any
6 grant, contract, or cooperative agreement en-
7 tered into (or proposed to be entered into) by
8 the applicable National Education Center;

9 (B) prepare for, and submit to, the Board
10 an annual evaluation of the operations of the
11 applicable National Education Center;

12 (C) review and comment on the relevant
13 plan for activities to be undertaken by the ap-
14 plicable National Education Center for each fis-
15 cal year; and

16 (D) report periodically to the Board re-
17 garding the activities of the committee and the
18 applicable National Education Center.

19 (e) ANNUAL REPORT.—The Board shall submit to
20 the Director, the Secretary, and the appropriate congres-
21 sional committees, not later than July 1 of each year, a
22 report that assesses the effectiveness of the Institute in
23 carrying out its priorities and mission, especially as such
24 priorities and mission relate to carrying out scientifically
25 valid research, conducting unbiased evaluations, collecting

1 and reporting accurate education statistics, and trans-
2 lating research into practice.

3 (f) RECOMMENDATIONS.—The Board shall submit to
4 the Director, the Secretary, and the appropriate congres-
5 sional committees a report that includes any recommenda-
6 tions regarding any actions that may be taken to enhance
7 the ability of the Institute to carry out its priorities and
8 mission. The Board shall submit an interim report not
9 later than 3 years after the date of enactment of this Act
10 and a final report not later than 5 years after such date
11 of enactment.

12 **SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION**
13 **CENTERS.**

14 (a) APPOINTMENT OF COMMISSIONERS.—

15 (1) IN GENERAL.—Except as provided in sub-
16 section (b), each of the National Education Centers
17 shall be headed by a Commissioner appointed by the
18 Director. In appointing Commissioners, the Director
19 shall seek to promote continuity in leadership of the
20 National Education Centers and shall consider indi-
21 viduals recommended by the Board. The Director
22 may appoint a Commissioner to carry out the func-
23 tions of a National Education Center without regard
24 to the provisions of title 5, United States Code, gov-
25 erning appointments in the competitive service, and

1 the provisions of chapter 51 and subchapter III of
2 chapter 53 of such title relating to classification and
3 General Schedule pay rates.

4 (2) PAY AND QUALIFICATIONS.—Except as pro-
5 vided in subsection (b), each Commissioner shall—

6 (A) receive the rate of basic pay for level
7 IV of the Executive Schedule; and

8 (B) be highly qualified in the field of edu-
9 cation research or evaluation.

10 (3) SERVICE.—Except as provided in subsection
11 (b), each Commissioner shall report to the Director.

12 A Commissioner shall serve for a period of not more
13 than 6 years, except that a Commissioner—

14 (A) may be reappointed by the Director;
15 and

16 (B) may serve after the expiration of that
17 Commissioner's term, until a successor has
18 been appointed, for a period not to exceed 1 ad-
19 ditional year.

20 (b) APPOINTMENT OF COMMISSIONER FOR EDU-
21 CATION STATISTICS.—The National Center for Education
22 Statistics shall be headed by a Commissioner for Edu-
23 cation Statistics who shall be appointed by the President,
24 by and with the advice and consent of the Senate, and
25 who shall—

1 (1) have substantial knowledge of programs as-
2 sisted by the National Center for Education Statis-
3 tics;

4 (2) receive the rate of basic pay for level IV of
5 the Executive Schedule; and

6 (3) serve for a term of 6 years, with the term
7 to expire every sixth June 21, beginning in 2003.

8 (c) COORDINATION.—Each Commissioner of a Na-
9 tional Education Center shall coordinate with each of the
10 other Commissioners of the National Education Centers
11 in carrying out such Commissioner’s duties under this
12 title.

13 (d) SUPERVISION AND APPROVAL.—Each Commis-
14 sioner, except the Commissioner for Education Statistics,
15 shall carry out such Commissioner’s duties under this title
16 under the supervision and subject to the approval of the
17 Director.

18 **SEC. 118. AGREEMENTS.**

19 The Institute may carry out research projects of com-
20 mon interest with entities such as the National Science
21 Foundation and the National Institute of Child Health
22 and Human Development through agreements with such
23 entities that are in accordance with section 430 of the
24 General Education Provisions Act (20 U.S.C. 1231).

1 **SEC. 119. BIENNIAL REPORT.**

2 The Director shall, on a biennial basis, transmit to
3 the President, the Board, and the appropriate congressional
4 committees, and make widely available to the public
5 (including by means of the Internet), a report containing
6 the following:

7 (1) A description of the activities carried out by
8 and through the National Education Centers during
9 the prior fiscal years.

10 (2) A summary of each grant, contract, and cooperative
11 agreement in excess of \$100,000 funded
12 through the National Education Centers during the
13 prior fiscal years, including, at a minimum, the
14 amount, duration, recipient, purpose of the award,
15 and the relationship, if any, to the priorities and
16 mission of the Institute, which shall be available in
17 a user-friendly electronic database.

18 (3) A description of how the activities of the
19 National Education Centers are consistent with the
20 principles of scientifically valid research and the priorities
21 and mission of the Institute.

22 (4) Such additional comments, recommendations,
23 and materials as the Director considers appropriate.
24

1 **SEC. 120. COMPETITIVE AWARDS.**

2 Activities carried out under this Act through grants,
3 contracts, or cooperative agreements, at a minimum, shall
4 be awarded on a competitive basis and, when practicable,
5 through a process of peer review.

6 **PART B—NATIONAL CENTER FOR**
7 **EDUCATION RESEARCH**

8 **SEC. 131. ESTABLISHMENT.**

9 (a) ESTABLISHMENT.—There is established in the
10 Institute a National Center for Education Research (in
11 this part referred to as the “Research Center”).

12 (b) MISSION.—The mission of the Research Center
13 is—

14 (1) to sponsor sustained research that will lead
15 to the accumulation of knowledge and understanding
16 of education, to—

17 (A) ensure that all children have access to
18 a high-quality education;

19 (B) improve student academic achieve-
20 ment, including through the use of educational
21 technology;

22 (C) close the achievement gap between
23 high-performing and low-performing students
24 through the improvement of teaching and learn-
25 ing of reading, writing, mathematics, science,
26 and other academic subjects; and

1 (D) improve access to, and opportunity for,
2 postsecondary education;

3 (2) to support the synthesis and, as appro-
4 priate, the integration of education research;

5 (3) to promote quality and integrity through
6 the use of accepted practices of scientific inquiry to
7 obtain knowledge and understanding of the validity
8 of education theories, practices, or conditions; and

9 (4) to promote scientifically valid research find-
10 ings that can provide the basis for improving aca-
11 demic instruction and lifelong learning.

12 **SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.**

13 The Research Center shall be headed by a Commis-
14 sioner for Education Research (in this part referred to as
15 the “Research Commissioner”) who shall have substantial
16 knowledge of the activities of the Research Center, includ-
17 ing a high level of expertise in the fields of research and
18 research management.

19 **SEC. 133. DUTIES.**

20 (a) GENERAL DUTIES.—The Research Center shall—

21 (1) maintain published peer-review standards
22 and standards for the conduct and evaluation of all
23 research and development carried out under the aus-
24 pices of the Research Center in accordance with this
25 part;

1 (2) propose to the Director a research plan
2 that—

3 (A) is consistent with the priorities and
4 mission of the Institute and the mission of the
5 Research Center and includes the activities de-
6 scribed in paragraph (3); and

7 (B) shall be carried out pursuant to para-
8 graph (4) and, as appropriate, be updated and
9 modified;

10 (3) carry out specific, long-term research activi-
11 ties that are consistent with the priorities and mis-
12 sion of the Institute, and are approved by the Direc-
13 tor;

14 (4) implement the plan proposed under para-
15 graph (2) to carry out scientifically valid research
16 that—

17 (A) uses objective and measurable indica-
18 tors, including timelines, that are used to assess
19 the progress and results of such research;

20 (B) meets the procedures for peer review
21 established by the Director under section
22 114(f)(5) and the standards of research de-
23 scribed in section 134; and

24 (C) includes both basic research and ap-
25 plied research, which shall include research con-

1 ducted through field-initiated research and on-
2 going research initiatives;

3 (5) promote the use of scientifically valid re-
4 search within the Federal Government, including ac-
5 tive participation in interagency research projects
6 described in section 118;

7 (6) ensure that research conducted under the
8 direction of the Research Center is relevant to edu-
9 cation practice and policy;

10 (7) synthesize and disseminate, through the Na-
11 tional Center for Education Evaluation and Regional
12 Assistance, the findings and results of education re-
13 search conducted or supported by the Research Cen-
14 ter;

15 (8) assist the Director in the preparation of a
16 biennial report, as described in section 119;

17 (9) carry out research on successful State and
18 local education reform activities, including those that
19 result in increased academic achievement and in
20 closing the achievement gap, as approved by the Di-
21 rector;

22 (10) carry out research initiatives regarding the
23 impact of technology, including—

24 (A) research into how technology affects
25 student achievement;

1 (B) long-term research into cognition and
2 learning issues as they relate to the uses of
3 technology;

4 (C) rigorous, peer-reviewed, large-scale,
5 long-term, and broadly applicable empirical re-
6 search that is designed to determine which ap-
7 proaches to the use of technology are most ef-
8 fective and cost-efficient in practice and under
9 what conditions; and

10 (D) field-based research on how teachers
11 implement technology and Internet-based re-
12 sources in the classroom, including an under-
13 standing how these resources are being
14 accessed, put to use, and the effectiveness of
15 such resources; and

16 (11) carry out research that is rigorous, peer-
17 reviewed, and large scale to determine which meth-
18 ods of mathematics and science teaching are most
19 effective, cost efficient, and able to be applied, dupli-
20 cated, and scaled up for use in elementary and sec-
21 ondary classrooms, including in low-performing
22 schools, to improve the teaching of, and student
23 achievement in, mathematics and science as required
24 under the Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6301 et seq.).

1 (b) ELIGIBILITY.—Research carried out under sub-
2 section (a) through contracts, grants, or cooperative
3 agreements shall be carried out only by recipients with the
4 ability and capacity to conduct scientifically valid research.

5 (c) NATIONAL RESEARCH AND DEVELOPMENT CEN-
6 TERS.—

7 (1) SUPPORT.—In carrying out activities under
8 subsection (a)(3), the Research Commissioner shall
9 support not less than 8 national research and devel-
10 opment centers. The Research Commissioner shall
11 assign each of the 8 national research and develop-
12 ment centers not less than 1 of the topics described
13 in paragraph (2). In addition, the Research Commis-
14 sioner may assign each of the 8 national research
15 and development centers additional topics of re-
16 search consistent with the mission and priorities of
17 the Institute and the mission of the Research Cen-
18 ter.

19 (2) TOPICS OF RESEARCH.—The Research
20 Commissioner shall support the following topics of
21 research, through national research and development
22 centers or through other means:

23 (A) Adult literacy.

24 (B) Assessment, standards, and account-
25 ability research.

1 (C) Early childhood development and edu-
2 cation.

3 (D) English language learners research.

4 (E) Improving low achieving schools.

5 (F) Innovation in education reform.

6 (G) State and local policy.

7 (H) Postsecondary education and training.

8 (I) Rural education.

9 (J) Teacher quality.

10 (K) Reading and literacy.

11 (3) DUTIES OF CENTERS.—The national re-
12 search and development centers shall address areas
13 of national need, including in educational technology
14 areas. The Research Commissioner may support ad-
15 ditional national research and development centers
16 to address topics of research not described in para-
17 graph (2) if such topics are consistent with the pri-
18 orities and mission of the Institute and the mission
19 of the Research Center. The research carried out by
20 the centers shall incorporate the potential or existing
21 role of educational technology, where appropriate, in
22 achieving the goals of each center.

23 (4) SCOPE.—Support for a national research
24 and development center shall be for a period of not
25 more than 5 years, shall be of sufficient size and

1 scope to be effective, and notwithstanding section
2 134(b), may be renewed without competition for not
3 more than 5 additional years if the Director, in con-
4 sultation with the Research Commissioner and the
5 Board, determines that the research of the national
6 research and development center—

7 (A) continues to address priorities of the
8 Institute; and

9 (B) merits renewal (applying the proce-
10 dures and standards established in section
11 134).

12 (5) LIMIT.—No national research and develop-
13 ment center may be supported under this subsection
14 for a period of more than 10 years without submit-
15 ting to a competitive process for the award of the
16 support.

17 (6) CONTINUATION OF AWARDS.—The Director
18 shall continue awards made to the national research
19 and development centers that are in effect on the
20 day before the date of enactment of this Act in ac-
21 cordance with the terms of those awards and may
22 renew them in accordance with paragraphs (4) and
23 (5).

24 (7) DISAGGREGATION.—To the extent feasible,
25 research conducted under this subsection shall be

1 disaggregated by age, race, gender, and socio-
2 economic background.

3 **SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF**
4 **RESEARCH.**

5 (a) IN GENERAL.—In carrying out this part, the Re-
6 search Commissioner shall—

7 (1) ensure that all research conducted under
8 the direction of the Research Center follows scientif-
9 ically based research standards;

10 (2) develop such other standards as may be
11 necessary to govern the conduct and evaluation of all
12 research, development, and wide dissemination ac-
13 tivities carried out by the Research Center to assure
14 that such activities meet the highest standards of
15 professional excellence;

16 (3) review the procedures utilized by the Na-
17 tional Institutes of Health, the National Science
18 Foundation, and other Federal departments or agen-
19 cies engaged in research and development, and ac-
20 tively solicit recommendations from research organi-
21 zations and members of the general public in the de-
22 velopment of the standards described in paragraph
23 (2); and

24 (4) ensure that all research complies with Fed-
25 eral guidelines relating to research misconduct.

1 (b) PEER REVIEW.—

2 (1) IN GENERAL.—The Director shall establish
3 a peer review system, involving highly qualified indi-
4 viduals with an in-depth knowledge of the subject to
5 be investigated, for reviewing and evaluating all ap-
6 plications for grants and cooperative agreements
7 that exceed \$100,000, and for evaluating and assess-
8 ing the products of research by all recipients of
9 grants and cooperative agreements under this Act.

10 (2) EVALUATION.—The Research Commissioner
11 shall—

12 (A) develop the procedures to be used in
13 evaluating applications for research grants, co-
14 operative agreements, and contracts, and speci-
15 fy the criteria and factors (including, as appli-
16 cable, the use of longitudinal data linking test
17 scores, enrollment, and graduation rates over
18 time) which shall be considered in making such
19 evaluations; and

20 (B) evaluate the performance of each re-
21 cipient of an award of a research grant, con-
22 tract, or cooperative agreement at the conclu-
23 sion of the award.

24 (c) LONG-TERM RESEARCH.—The Research Com-
25 missioner shall ensure that not less than 50 percent of

1 the funds made available for research for each fiscal year
2 shall be used to fund long-term research programs of not
3 less than 5 years, which support the priorities and mission
4 of the Institute and the mission of the Research Center.

5 **PART C—NATIONAL CENTER FOR**
6 **EDUCATION STATISTICS**

7 **SEC. 151. ESTABLISHMENT.**

8 (a) ESTABLISHMENT.—There is established in the
9 Institute a National Center for Education Statistics (in
10 this part referred to as the “Statistics Center”).

11 (b) MISSION.—The mission of the Statistics Center
12 shall be—

13 (1) to collect and analyze education information
14 and statistics in a manner that meets the highest
15 methodological standards;

16 (2) to report education information and statis-
17 tics in a timely manner; and

18 (3) to collect, analyze, and report education in-
19 formation and statistics in a manner that—

20 (A) is objective, secular, neutral, and non-
21 ideological and is free of partisan political influ-
22 ence and racial, cultural, gender, or regional
23 bias; and

24 (B) is relevant and useful to practitioners,
25 researchers, policymakers, and the public.

1 **SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.**

2 The Statistics Center shall be headed by a Commis-
3 sioner for Education Statistics (in this part referred to
4 as the “Statistics Commissioner”) who shall be highly
5 qualified and have substantial knowledge of statistical
6 methodologies and activities undertaken by the Statistics
7 Center.

8 **SEC. 153. DUTIES.**

9 (a) GENERAL DUTIES.—The Statistics Center shall
10 collect, report, analyze, and disseminate statistical data re-
11 lated to education in the United States and in other na-
12 tions, including—

13 (1) collecting, acquiring, compiling (where ap-
14 propriate, on a State-by-State basis), and dissemi-
15 nating full and complete statistics (disaggregated by
16 the population characteristics described in paragraph
17 (3)) on the condition and progress of education, at
18 the preschool, elementary, secondary, postsecondary,
19 and adult levels in the United States, including data
20 on—

21 (A) State and local education reform ac-
22 tivities;

23 (B) State and local early childhood school
24 readiness activities;

1 (C) student achievement in, at a minimum,
2 the core academic areas of reading, mathe-
3 matics, and science at all levels of education;

4 (D) secondary school completions, drop-
5 outs, and adult literacy and reading skills;

6 (E) access to, and opportunity for, postsec-
7 ondary education, including data on financial
8 aid to postsecondary students;

9 (F) teaching, including—

10 (i) data on in-service professional de-
11 velopment, including a comparison of
12 courses taken in the core academic areas
13 of reading, mathematics, and science with
14 courses in noncore academic areas, includ-
15 ing technology courses; and

16 (ii) the percentage of teachers who are
17 highly qualified (as such term is defined in
18 section 9101 of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C.
20 7801)) in each State and, where feasible,
21 in each local educational agency and
22 school;

23 (G) instruction, the conditions of the edu-
24 cation workplace, and the supply of, and de-
25 mand for, teachers;

1 (H) the incidence, frequency, seriousness,
2 and nature of violence affecting students, school
3 personnel, and other individuals participating in
4 school activities, as well as other indices of
5 school safety, including information regarding—

6 (i) the relationship between victims
7 and perpetrators;

8 (ii) demographic characteristics of the
9 victims and perpetrators; and

10 (iii) the type of weapons used in inci-
11 dents, as classified in the Uniform Crime
12 Reports of the Federal Bureau of Inves-
13 tigation;

14 (I) the financing and management of edu-
15 cation, including data on revenues and expendi-
16 tures;

17 (J) the social and economic status of chil-
18 dren, including their academic achievement;

19 (K) the existence and use of educational
20 technology and access to the Internet by stu-
21 dents and teachers in elementary schools and
22 secondary schools;

23 (L) access to, and opportunity for, early
24 childhood education;

1 (M) the availability of, and access to, be-
2 fore-school and after-school programs (including
3 such programs during school recesses);

4 (N) student participation in and comple-
5 tion of secondary and postsecondary vocational
6 and technical education programs by specific
7 program area; and

8 (O) the existence and use of school librar-
9 ies;

10 (2) conducting and publishing reports on the
11 meaning and significance of the statistics described
12 in paragraph (1);

13 (3) collecting, analyzing, cross-tabulating, and
14 reporting, to the extent feasible, information by gen-
15 der, race, ethnicity, socioeconomic status, limited
16 English proficiency, mobility, disability, urban, rural,
17 suburban districts, and other population characteris-
18 tics, when such disaggregated information will facili-
19 tate educational and policy decisionmaking;

20 (4) assisting public and private educational
21 agencies, organizations, and institutions in improv-
22 ing and automating statistical and data collection
23 activities, which may include assisting State edu-
24 cational agencies and local educational agencies with

1 the disaggregation of data and with the development
2 of longitudinal student data systems;

3 (5) determining voluntary standards and guide-
4 lines to assist State educational agencies in devel-
5 oping statewide longitudinal data systems that link
6 individual student data consistent with the require-
7 ments of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 6301 et seq.), promote link-
9 ages across States, and protect student privacy con-
10 sistent with section 183, to improve student aca-
11 demic achievement and close achievement gaps;

12 (6) acquiring and disseminating data on edu-
13 cational activities and student achievement (such as
14 the Third International Math and Science Study) in
15 the United States compared with foreign nations;

16 (7) conducting longitudinal and special data
17 collections necessary to report on the condition and
18 progress of education;

19 (8) assisting the Director in the preparation of
20 a biennial report, as described in section 119; and

21 (9) determining, in consultation with the Na-
22 tional Research Council of the National Academies,
23 methodology by which States may accurately meas-
24 ure graduation rates (defined as the percentage of
25 students who graduate from secondary school with a

1 regular diploma in the standard number of years),
2 school completion rates, and dropout rates.

3 (b) TRAINING PROGRAM.—The Statistics Commis-
4 sioner may establish a program to train employees of pub-
5 lic and private educational agencies, organizations, and in-
6 stitutions in the use of standard statistical procedures and
7 concepts, and may establish a fellowship program to ap-
8 point such employees as temporary fellows at the Statis-
9 tics Center, in order to assist the Statistics Center in car-
10 rying out its duties.

11 **SEC. 154. PERFORMANCE OF DUTIES.**

12 (a) GRANTS, CONTRACTS, AND COOPERATIVE
13 AGREEMENTS.—In carrying out the duties under this
14 part, the Statistics Commissioner, may award grants,
15 enter into contracts and cooperative agreements, and pro-
16 vide technical assistance.

17 (b) GATHERING INFORMATION.—

18 (1) SAMPLING.—The Statistics Commissioner
19 may use the statistical method known as sampling
20 (including random sampling) to carry out this part.

21 (2) SOURCE OF INFORMATION.—The Statistics
22 Commissioner may, as appropriate, use information
23 collected—

24 (A) from States, local educational agencies,
25 public and private schools, preschools, institu-

1 tions of higher education, vocational and adult
2 education programs, libraries, administrators,
3 teachers, students, the general public, and other
4 individuals, organizations, agencies, and institu-
5 tions (including information collected by States
6 and local educational agencies for their own
7 use); and

8 (B) by other offices within the Institute
9 and by other Federal departments, agencies,
10 and instrumentalities.

11 (3) COLLECTION.—The Statistics Commissioner
12 may—

13 (A) enter into interagency agreements for
14 the collection of statistics;

15 (B) arrange with any agency, organization,
16 or institution for the collection of statistics; and

17 (C) assign employees of the Statistics Cen-
18 ter to any such agency, organization, or institu-
19 tion to assist in such collection.

20 (4) TECHNICAL ASSISTANCE AND COORDINA-
21 TION.—In order to maximize the effectiveness of De-
22 partment efforts to serve the educational needs of
23 children and youth, the Statistics Commissioner
24 shall—

1 (A) provide technical assistance to the De-
2 partment offices that gather data for statistical
3 purposes; and

4 (B) coordinate with other Department of-
5 fices in the collection of data.

6 (c) DURATION.—Notwithstanding any other provi-
7 sion of law, the grants, contracts, and cooperative agree-
8 ments under this section may be awarded, on a competi-
9 tive basis, for a period of not more than 5 years, and may
10 be renewed at the discretion of the Statistics Commis-
11 sioner for an additional period of not more than 5 years.

12 **SEC. 155. REPORTS.**

13 (a) PROCEDURES FOR ISSUANCE OF REPORTS.—The
14 Statistics Commissioner, shall establish procedures, in ac-
15 cordance with section 186, to ensure that the reports
16 issued under this section are relevant, of high quality, use-
17 ful to customers, subject to rigorous peer review, produced
18 in a timely fashion, and free from any partisan political
19 influence.

20 (b) REPORT ON CONDITION AND PROGRESS OF EDU-
21 CATION.—Not later than June 1, 2003, and each June
22 1 thereafter, the Statistics Commissioner, shall submit to
23 the President and the appropriate congressional commit-
24 tees a statistical report on the condition and progress of
25 education in the United States.

1 (c) STATISTICAL REPORTS.—The Statistics Commis-
2 sioner shall issue regular and, as necessary, special statis-
3 tical reports on education topics, particularly in the core
4 academic areas of reading, mathematics, and science, con-
5 sistent with the priorities and the mission of the Statistics
6 Center.

7 **SEC. 156. DISSEMINATION.**

8 (a) GENERAL REQUESTS.—

9 (1) IN GENERAL.—The Statistics Center may
10 furnish transcripts or copies of tables and other sta-
11 tistical records and make special statistical compila-
12 tions and surveys for State and local officials, public
13 and private organizations, and individuals.

14 (2) COMPILATIONS.—The Statistics Center
15 shall provide State educational agencies, local edu-
16 cational agencies, and institutions of higher edu-
17 cation with opportunities to suggest the establish-
18 ment of particular compilations of statistics, surveys,
19 and analyses that will assist those educational agen-
20 cies.

21 (b) CONGRESSIONAL REQUESTS.—The Statistics
22 Center shall furnish such special statistical compilations
23 and surveys as the relevant congressional committees may
24 request.

1 (c) JOINT STATISTICAL PROJECTS.—The Statistics
2 Center may engage in joint statistical projects related to
3 the mission of the Center, or other statistical purposes au-
4 thorized by law, with nonprofit organizations or agencies,
5 and the cost of such projects shall be shared equitably as
6 determined by the Secretary.

7 (d) FEES.—

8 (1) IN GENERAL.—Statistical compilations and
9 surveys under this section, other than those carried
10 out pursuant to subsections (b) and (c), may be
11 made subject to the payment of the actual or esti-
12 mated cost of such work.

13 (2) FUNDS RECEIVED.—All funds received in
14 payment for work or services described in this sub-
15 section may be used to pay directly the costs of such
16 work or services, to repay appropriations that ini-
17 tially bore all or part of such costs, or to refund ex-
18 cess sums when necessary.

19 (e) ACCESS.—

20 (1) OTHER AGENCIES.—The Statistics Center
21 shall, consistent with section 183, cooperate with
22 other Federal agencies having a need for educational
23 data in providing access to educational data received
24 by the Statistics Center.

1 (2) INTERESTED PARTIES.—The Statistics Cen-
2 ter shall, in accordance with such terms and condi-
3 tions as the Center may prescribe, provide all inter-
4 ested parties, including public and private agencies,
5 parents, and other individuals, direct access, in the
6 most appropriate form (including, where possible,
7 electronically), to data collected by the Statistics
8 Center for the purposes of research and acquiring
9 statistical information.

10 **SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

11 The Statistics Center may establish 1 or more na-
12 tional cooperative education statistics systems for the pur-
13 pose of producing and maintaining, with the cooperation
14 of the States, comparable and uniform information and
15 data on early childhood education, elementary and sec-
16 ondary education, postsecondary education, adult edu-
17 cation, and libraries, that are useful for policymaking at
18 the Federal, State, and local levels.

19 **SEC. 158. STATE DEFINED.**

20 In this part, the term “State” means each of the 50
21 States, the District of Columbia, and the Commonwealth
22 of Puerto Rico.

1 **PART D—NATIONAL CENTER FOR EDU-**
2 **CATION EVALUATION AND REGIONAL**
3 **ASSISTANCE**

4 **SEC. 171. ESTABLISHMENT.**

5 (a) ESTABLISHMENT.—There is established in the
6 Institute a National Center for Education Evaluation and
7 Regional Assistance (in this part referred to as the “Eval-
8 uation Center”).

9 (b) MISSION.—The mission of the Evaluation Center
10 shall be—

11 (1) to provide technical assistance;

12 (2) to conduct evaluations of Federal education
13 programs administered by the Secretary (and as
14 time and resources allow, other education programs)
15 to determine the impact of such programs (especially
16 on student academic achievement in the core aca-
17 demic areas of reading, mathematics, and science);

18 (3) to support synthesis and wide dissemination
19 of results of evaluation, research, and products de-
20 veloped; and

21 (4) to encourage the use of scientifically valid
22 education research and evaluation throughout the
23 United States.

24 (c) GRANTS, CONTRACTS, AND COOPERATIVE
25 AGREEMENTS.—In carrying out the duties under this

1 part, the Director may award grants, enter into contracts
2 and cooperative agreements, and provide technical assist-
3 ance.

4 **SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION**
5 **AND REGIONAL ASSISTANCE.**

6 (a) IN GENERAL.—The National Center for Edu-
7 cation Evaluation and Regional Assistance shall be headed
8 by a Commissioner for Education Evaluation and Re-
9 gional Assistance (in this part referred to as the “Evalua-
10 tion Commissioner”) who is highly qualified and has dem-
11 onstrated a capacity to carry out the mission of the Center
12 and shall—

13 (1) conduct evaluations pursuant to section
14 173;

15 (2) widely disseminate information on scientif-
16 ically valid research, statistics, and evaluation on
17 education, particularly to State educational agencies
18 and local educational agencies, to institutions of
19 higher education, to the public, the media, voluntary
20 organizations, professional associations, and other
21 constituencies, especially with respect to information
22 relating to, at a minimum—

23 (A) the core academic areas of reading,
24 mathematics, and science;

1 (B) closing the achievement gap between
2 high-performing students and low-performing
3 students;

4 (C) educational practices that improve aca-
5 demic achievement and promote learning;

6 (D) education technology, including soft-
7 ware; and

8 (E) those topics covered by the Edu-
9 cational Resources Information Center Clear-
10 inghouses (established under section 941(f) of
11 the Educational Research, Development, Dis-
12 semination, and Improvement Act of 1994 (20
13 U.S.C. 6041(f)) (as such provision was in effect
14 on the day before the date of enactment of this
15 Act);

16 (3) make such information accessible in a user-
17 friendly, timely, and efficient manner (including
18 through use of a searchable Internet-based online
19 database that shall include all topics covered in
20 paragraph (2)(E)) to schools, institutions of higher
21 education, educators (including early childhood edu-
22 cators), parents, administrators, policymakers, re-
23 searchers, public and private entities (including pro-
24 viders of early childhood services), entities respon-

1 sible for carrying out technical assistance through
2 the Department, and the general public;

3 (4) support the regional educational labora-
4 tories in conducting applied research, the develop-
5 ment and dissemination of educational research,
6 products and processes, the provision of technical as-
7 sistance, and other activities to serve the educational
8 needs of such laboratories' regions;

9 (5) manage the National Library of Education
10 described in subsection (d), and other sources of dig-
11 ital information on education research;

12 (6) assist the Director in the preparation of a
13 biennial report, described in section 119; and

14 (7) award a contract for a prekindergarten
15 through grade 12 mathematics and science teacher
16 clearinghouse.

17 (b) **ADDITIONAL DUTIES.**—In carrying out sub-
18 section (a), the Evaluation Commissioner shall—

19 (1) ensure that information disseminated under
20 this section is provided in a cost-effective, non-
21 duplicative manner that includes the most current
22 research findings, which may include through the
23 continuation of individual clearinghouses authorized
24 under the Educational Research, Development, Dis-
25 semination, and Improvement Act of 1994 (title IX

1 of the Goals 2000: Educate America Act; 20 U.S.C.
2 6001 et seq.) (as such Act existed on the day before
3 the date of enactment of this Act);

4 (2) describe prominently the type of scientific
5 evidence that is used to support the findings that
6 are disseminated;

7 (3) explain clearly the scientifically appropriate
8 and inappropriate uses of—

9 (A) the findings that are disseminated; and

10 (B) the types of evidence used to support
11 those findings; and

12 (4) respond, as appropriate, to inquiries from
13 schools, educators, parents, administrators, policy-
14 makers, researchers, public and private entities, and
15 entities responsible for carrying out technical assist-
16 ance.

17 (c) CONTINUATION.—The Director shall continue
18 awards for the support of the Educational Resources In-
19 formation Center Clearinghouses and contracts for re-
20 gional educational laboratories (established under sub-
21 sections (f) and (h) of section 941 of the Educational Re-
22 search, Development, Dissemination, and Improvement
23 Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards
24 were in effect on the day before the date of enactment

1 of this Act)) for the duration of those awards, in accord-
2 ance with the terms and agreements of such awards.

3 (d) NATIONAL LIBRARY OF EDUCATION.—

4 (1) ESTABLISHMENT.—There is established
5 within the Evaluation Center a National Library of
6 Education that shall—

7 (A) be headed by an individual who is
8 highly qualified in library science;

9 (B) collect and archive information;

10 (C) provide a central location within the
11 Federal Government for information about edu-
12 cation;

13 (D) provide comprehensive reference serv-
14 ices on matters related to education to employ-
15 ees of the Department of Education and its
16 contractors and grantees, other Federal employ-
17 ees, and members of the public; and

18 (E) promote greater cooperation and re-
19 source sharing among providers and reposi-
20 tories of education information in the United
21 States.

22 (2) INFORMATION.—The information collected
23 and archived by the National Library of Education
24 shall include—

1 (A) products and publications developed
2 through, or supported by, the Institute; and

3 (B) other relevant and useful education-re-
4 lated research, statistics, and evaluation mate-
5 rials and other information, projects, and publi-
6 cations that are—

7 (i) consistent with—

8 (I) scientifically valid research; or

9 (II) the priorities and mission of
10 the Institute; and

11 (ii) developed by the Department,
12 other Federal agencies, or entities (includ-
13 ing entities supported under the Edu-
14 cational Technical Assistance Act of 2002
15 and the Educational Resources Informa-
16 tion Center Clearinghouses (established
17 under section 941(f) of the Educational
18 Research, Development, Dissemination,
19 and Improvement Act of 1994 (20 U.S.C.
20 6041(f)) (as such provision was in effect
21 on the day before the date of enactment of
22 this Act))).

23 **SEC. 173. EVALUATIONS.**

24 (a) IN GENERAL.—

1 (1) REQUIREMENTS.—In carrying out its mis-
2 sions, the Evaluation Center may—

3 (A) conduct or support evaluations con-
4 sistent with the Center’s mission as described in
5 section 171(b);

6 (B) evaluate programs under title I of the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6301 et seq.);

9 (C) to the extent practicable, examine eval-
10 uations conducted or supported by others in
11 order to determine the quality and relevance of
12 the evidence of effectiveness generated by those
13 evaluations, with the approval of the Director;

14 (D) coordinate the activities of the Evalua-
15 tion Center with other evaluation activities in
16 the Department;

17 (E) review and, where feasible, supplement
18 Federal education program evaluations, particu-
19 larly those by the Department, to determine or
20 enhance the quality and relevance of the evi-
21 dence generated by those evaluations;

22 (F) establish evaluation methodology; and

23 (G) assist the Director in the preparation
24 of the biennial report, as described in section
25 119.

1 (2) ADDITIONAL REQUIREMENTS.—Each eval-
 2 uation conducted by the Evaluation Center pursuant
 3 to paragraph (1) shall—

4 (A) adhere to the highest possible stand-
 5 ards of quality for conducting scientifically valid
 6 education evaluation; and

7 (B) be subject to rigorous peer-review.

8 (b) ADMINISTRATION OF EVALUATIONS UNDER
 9 TITLE I OF THE ELEMENTARY AND SECONDARY EDU-
 10 CATION ACT OF 1965.—The Evaluation Commissioner,
 11 consistent with the mission of the Evaluation Center
 12 under section 171(b), shall administer all operations and
 13 contracts associated with evaluations authorized by part
 14 E of title I of the Elementary and Secondary Education
 15 Act of 1965 (20 U.S.C. 6491 et seq.) and administered
 16 by the Department as of the date of enactment of this
 17 Act.

18 **SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR**
 19 **RESEARCH, DEVELOPMENT, DISSEMINATION,**
 20 **AND TECHNICAL ASSISTANCE.**

21 (a) REGIONAL EDUCATIONAL LABORATORIES.—The
 22 Director shall enter into contracts with entities to estab-
 23 lish a networked system of 10 regional educational labora-
 24 tories that serve the needs of each region of the United
 25 States in accordance with the provisions of this section.

1 The amount of assistance allocated to each laboratory by
2 the Evaluation Commissioner shall reflect the number of
3 local educational agencies and the number of school-age
4 children within the region served by such laboratory, as
5 well as the cost of providing services within the geographic
6 area encompassed by the region.

7 (b) REGIONS.—The regions served by the regional
8 educational laboratories shall be the 10 geographic regions
9 served by the regional educational laboratories established
10 under section 941(h) of the Educational Research, Devel-
11 opment, Dissemination, and Improvement Act of 1994 (as
12 such provision existed on the day before the date of enact-
13 ment of this Act).

14 (c) ELIGIBLE APPLICANTS.—The Director may enter
15 into contracts under this section with research organiza-
16 tions, institutions, agencies, institutions of higher edu-
17 cation, or partnerships among such entities, or individuals,
18 with the demonstrated ability or capacity to carry out the
19 activities described in this section, including regional enti-
20 ties that carried out activities under the Educational Re-
21 search, Development, Dissemination, and Improvement
22 Act of 1994 (as such Act existed on the day before the
23 date of enactment of this Act) and title XIII of the Ele-
24 mentary and Secondary Education Act of 1965 (as such
25 title existed on the day before the date of enactment of

1 the No Child Left Behind Act of 2001 (Public Law 107–
2 110)).

3 (d) APPLICATIONS.—

4 (1) SUBMISSION.—Each applicant desiring a
5 contract under this section shall submit an applica-
6 tion at such time, in such manner, and containing
7 such information as the Director may reasonably re-
8 quire.

9 (2) PLAN.—Each application submitted under
10 paragraph (1) shall contain a 5-year plan for car-
11 rying out the activities described in this section in
12 a manner that addresses the priorities established
13 under section 207 and addresses the needs of all
14 States (and to the extent practicable, of local edu-
15 cational agencies) within the region to be served by
16 the regional educational laboratory, on an ongoing
17 basis.

18 (e) ENTERING INTO CONTRACTS.—

19 (1) IN GENERAL.—In entering into contracts
20 under this section, the Director shall—

21 (A) enter into contracts for a 5-year pe-
22 riod; and

23 (B) ensure that regional educational lab-
24 oratories established under this section have
25 strong and effective governance, organization,

1 management, and administration, and employ
2 qualified staff.

3 (2) COORDINATION.—In order to ensure coordi-
4 nation and prevent unnecessary duplication of activi-
5 ties among the regions, the Evaluation Commis-
6 sioner shall—

7 (A) share information about the activities
8 of each regional educational laboratory awarded
9 a contract under this section with each other
10 regional educational laboratory awarded a con-
11 tract under this section and with the Depart-
12 ment of Education, including the Director and
13 the Board;

14 (B) oversee a strategic plan for ensuring
15 that each regional educational laboratory
16 awarded a contract under this section increases
17 collaboration and resource-sharing in such ac-
18 tivities;

19 (C) ensure, where appropriate, that the ac-
20 tivities of each regional educational laboratory
21 awarded a contract under this section also serve
22 national interests; and

23 (D) ensure that each regional educational
24 laboratory awarded a contract under this sec-
25 tion coordinates such laboratory's activities with

1 the activities of each other regional technical
2 assistance provider.

3 (3) OUTREACH.—In conducting competitions
4 for contracts under this section, the Director shall—

5 (A) actively encourage eligible entities to
6 compete for such awards by making information
7 and technical assistance relating to the competi-
8 tion widely available; and

9 (B) seek input from the chief executive of-
10 ficers of States, chief State school officers, edu-
11 cators, and parents regarding the need for ap-
12 plied research, wide dissemination, training,
13 technical assistance, and development activities
14 authorized by this title in the regions to be
15 served by the regional educational laboratories
16 and how those educational needs could be ad-
17 dressed most effectively.

18 (4) OBJECTIVES AND INDICATORS.—Before en-
19 tering into a contract under this section, the Direc-
20 tor shall design specific objectives and measurable
21 indicators to be used to assess the particular pro-
22 grams or initiatives, and ongoing progress and per-
23 formance, of the regional educational laboratories, in
24 order to ensure that the educational needs of the re-
25 gion are being met and that the latest and best re-

1 search and proven practices are being carried out as
2 part of school improvement efforts.

3 (5) STANDARDS.—The Evaluation Commis-
4 sioner shall establish a system for technical and peer
5 review to ensure that applied research activities, re-
6 search-based reports, and products of the regional
7 educational laboratories are consistent with the re-
8 search standards described in section 134 and the
9 evaluation standards adhered to pursuant to section
10 173(a)(2)(A).

11 (f) CENTRAL MISSION AND PRIMARY FUNCTION.—
12 Each regional educational laboratory awarded a contract
13 under this section shall support applied research, develop-
14 ment, wide dissemination, and technical assistance activi-
15 ties by—

16 (1) providing training (which may include sup-
17 porting internships and fellowships and providing
18 stipends) and technical assistance to State edu-
19 cational agencies, local educational agencies, school
20 boards, schools funded by the Bureau as appro-
21 priate, and State boards of education regarding, at
22 a minimum—

23 (A) the administration and implementation
24 of programs under the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C. 6301
2 et seq.);

3 (B) scientifically valid research in edu-
4 cation on teaching methods, assessment tools,
5 and high quality, challenging curriculum frame-
6 works for use by teachers and administrators
7 in, at a minimum—

8 (i) the core academic subjects of
9 mathematics, science, and reading;

10 (ii) English language acquisition;

11 (iii) education technology; and

12 (iv) the replication and adaption of
13 exemplary and promising practices and
14 new educational methods, including profes-
15 sional development strategies and the use
16 of educational technology to improve teach-
17 ing and learning; and

18 (C) the facilitation of communication be-
19 tween educational experts, school officials, and
20 teachers, parents, and librarians, to enable such
21 individuals to assist schools to develop a plan to
22 meet the State education goals;

23 (2) developing and widely disseminating, includ-
24 ing through Internet-based means, scientifically valid
25 research, information, reports, and publications that

1 are usable for improving academic achievement, clos-
2 ing achievement gaps, and encouraging and sus-
3 taining school improvement, to—

4 (A) schools, districts, institutions of higher
5 education, educators (including early childhood
6 educators and librarians), parents, policy-
7 makers, and other constituencies, as appro-
8 priate, within the region in which the regional
9 educational laboratory is located; and

10 (B) the Evaluation Center;

11 (3) developing a plan for identifying and serv-
12 ing the needs of the region by conducting a con-
13 tinuing survey of the educational needs, strengths,
14 and weaknesses within the region, including a proc-
15 ess of open hearings to solicit the views of schools,
16 teachers, administrators, parents, local educational
17 agencies, librarians, and State educational agencies
18 within the region;

19 (4) in the event such quality applied research
20 does not exist as determined by the regional edu-
21 cational laboratory or the Department, carrying out
22 applied research projects that are designed to serve
23 the particular educational needs (in prekindergarten
24 through grade 16) of the region in which the re-
25 gional educational laboratory is located, that reflect

1 findings from scientifically valid research, and that
2 result in user-friendly, replicable school-based class-
3 room applications geared toward promoting in-
4 creased student achievement, including using applied
5 research to assist in solving site-specific problems
6 and assisting in development activities (including
7 high-quality and on-going professional development
8 and effective parental involvement strategies);

9 (5) supporting and serving the educational de-
10 velopment activities and needs of the region by pro-
11 viding educational applied research in usable forms
12 to promote school-improvement, academic achieve-
13 ment, and the closing of achievement gaps and con-
14 tributing to the current base of education knowledge
15 by addressing enduring problems in elementary and
16 secondary education and access to postsecondary
17 education;

18 (6) collaborating and coordinating services with
19 other technical assistance providers funded by the
20 Department of Education;

21 (7) assisting in gathering information on school
22 finance systems to promote improved access to edu-
23 cational opportunities and to better serve all public
24 school students;

1 (8) assisting in gathering information on alter-
2 native administrative structures that are more con-
3 ducive to planning, implementing, and sustaining
4 school reform and improved academic achievement;

5 (9) bringing teams of experts together to de-
6 velop and implement school improvement plans and
7 strategies, especially in low-performing or high pov-
8 erty schools; and

9 (10) developing innovative approaches to the
10 application of technology in education that are un-
11 likely to originate from within the private sector, but
12 which could result in the development of new forms
13 of education software, education content, and tech-
14 nology-enabled pedagogy.

15 (g) ACTIVITIES.—Each regional educational labora-
16 tory awarded a contract under this section shall carry out
17 the following activities:

18 (1) Collaborate with the National Education
19 Centers in order to—

20 (A) maximize the use of research con-
21 ducted through the National Education Centers
22 in the work of such laboratory;

23 (B) keep the National Education Centers
24 apprised of the work of the regional educational
25 laboratory in the field; and

1 (C) inform the National Education Centers
2 about additional research needs identified in the
3 field.

4 (2) Consult with the State educational agencies
5 and local educational agencies in the region in devel-
6 oping the plan for serving the region.

7 (3) Develop strategies to utilize schools as crit-
8 ical components in reforming education and revital-
9 izing rural communities in the United States.

10 (4) Report and disseminate information on
11 overcoming the obstacles faced by educators and
12 schools in high poverty, urban, and rural areas.

13 (5) Identify successful educational programs
14 that have either been developed by such laboratory
15 in carrying out such laboratory's functions or that
16 have been developed or used by others within the re-
17 gion served by the laboratory and make such infor-
18 mation available to the Secretary and the network of
19 regional educational laboratories so that such pro-
20 grams may be considered for inclusion in the na-
21 tional education dissemination system.

22 (h) GOVERNING BOARD AND ALLOCATION.—

23 (1) IN GENERAL.—In carrying out its respon-
24 sibilities, each regional educational laboratory
25 awarded a contract under this section, in keeping

1 with the terms and conditions of such laboratory's
2 contract, shall—

3 (A) establish a governing board that—

4 (i) reflects a balanced representation
5 of—

6 (I) the States in the region;

7 (II) the interests and concerns of
8 regional constituencies; and

9 (III) technical expertise;

10 (ii) includes the chief State school of-
11 ficer or such officer's designee of each
12 State represented in such board's region;

13 (iii) includes—

14 (I) representatives nominated by
15 chief executive officers of States and
16 State organizations of superintend-
17 ents, principals, institutions of higher
18 education, teachers, parents, busi-
19 nesses, and researchers; or

20 (II) other representatives of the
21 organizations described in subclause
22 (I), as required by State law in effect
23 on the day before the date of enact-
24 ment of this Act;

25 (iv) is the sole entity that—

1 (I) guides and directs the labora-
2 tory in carrying out the provisions of
3 this subsection and satisfying the
4 terms and conditions of the contract
5 award;

6 (II) determines the regional
7 agenda of the laboratory;

8 (III) engages in an ongoing dia-
9 logue with the Evaluation Commis-
10 sioner concerning the laboratory's
11 goals, activities, and priorities; and

12 (IV) determines at the start of
13 the contract period, subject to the re-
14 quirements of this section and in con-
15 sultation with the Evaluation Com-
16 missioner, the mission of the regional
17 educational laboratory for the dura-
18 tion of the contract period;

19 (v) ensures that the regional edu-
20 cational laboratory attains and maintains a
21 high level of quality in the laboratory's
22 work and products;

23 (vi) establishes standards to ensure
24 that the regional educational laboratory
25 has strong and effective governance, orga-

1 nization, management, and administration,
2 and employs qualified staff;

3 (vii) directs the regional educational
4 laboratory to carry out the laboratory's du-
5 ties in a manner that will make progress
6 toward achieving the State education goals
7 and reforming schools and educational sys-
8 tems; and

9 (viii) conducts a continuing survey of
10 the educational needs, strengths, and
11 weaknesses within the region, including a
12 process of open hearings to solicit the
13 views of schools and teachers; and

14 (B) allocate the regional educational lab-
15 oratory's resources to and within each State in
16 a manner which reflects the need for assistance,
17 taking into account such factors as the propor-
18 tion of economically disadvantaged students, the
19 increased cost burden of service delivery in
20 areas of sparse populations, and any special ini-
21 tiatives being undertaken by State, inter-
22 mediate, local educational agencies, or Bureau-
23 funded schools, as appropriate, which may re-
24 quire special assistance from the laboratory.

1 (2) SPECIAL RULE.—If a regional educational
2 laboratory needs flexibility in order to meet the re-
3 quirements of paragraph (1)(A)(i), the regional edu-
4 cational laboratory may select not more than 10 per-
5 cent of the governing board from individuals outside
6 those representatives nominated in accordance with
7 paragraph (1)(A)(iii).

8 (i) DUTIES OF GOVERNING BOARD.—In order to im-
9 prove the efficiency and effectiveness of the regional edu-
10 cational laboratories, the governing boards of the regional
11 educational laboratories shall establish and maintain a
12 network to—

13 (1) share information about the activities each
14 laboratory is carrying out;

15 (2) plan joint activities that would meet the
16 needs of multiple regions;

17 (3) create a strategic plan for the development
18 of activities undertaken by the laboratories to reduce
19 redundancy and increase collaboration and resource-
20 sharing in such activities; and

21 (4) otherwise devise means by which the work
22 of the individual laboratories could serve national, as
23 well as regional, needs.

24 (j) EVALUATIONS.—The Evaluation Commissioner
25 shall provide for independent evaluations of each of the

1 regional educational laboratories in carrying out the duties
2 described in this section in the third year that such labora-
3 tory receives assistance under this section in accordance
4 with the standards developed by the Evaluation Commis-
5 sioner and approved by the Board and shall transmit the
6 results of such evaluations to the relevant committees of
7 Congress, the Board, and the appropriate regional edu-
8 cational laboratory governing board.

9 (k) RULE OF CONSTRUCTION.—No regional edu-
10 cational laboratory receiving assistance under this section
11 shall, by reason of the receipt of that assistance, be ineli-
12 gible to receive any other assistance from the Department
13 of Education as authorized by law or be prohibited from
14 engaging in activities involving international projects or
15 endeavors.

16 (l) ADVANCE PAYMENT SYSTEM.—Each regional
17 educational laboratory awarded a contract under this sec-
18 tion shall participate in the advance payment system at
19 the Department of Education.

20 (m) ADDITIONAL PROJECTS.—In addition to activi-
21 ties authorized under this section, the Director is author-
22 ized to enter into contracts or agreements with a regional
23 educational laboratory for the purpose of carrying out ad-
24 ditional projects to enable such regional educational lab-

1 oratory to assist in efforts to achieve State education goals
2 and for other purposes.

3 (n) ANNUAL REPORT AND PLAN.—Not later than
4 July 1 of each year, each regional educational laboratory
5 awarded a contract under this section shall submit to the
6 Evaluation Commissioner—

7 (1) a plan covering the succeeding fiscal year,
8 in which such laboratory's mission, activities, and
9 scope of work are described, including a general de-
10 scription of the plans such laboratory expects to sub-
11 mit in the remaining years of such laboratory's con-
12 tract; and

13 (2) a report of how well such laboratory is
14 meeting the needs of the region, including a sum-
15 mary of activities during the preceding year, a list
16 of entities served, a list of products, and any other
17 information that the regional educational laboratory
18 may consider relevant or the Evaluation Commis-
19 sioner may require.

20 (o) CONSTRUCTION.—Nothing in this section shall be
21 construed to require any modifications in a regional edu-
22 cational laboratory contract in effect on the day before the
23 date of enactment of this Act.

1 **PART E—GENERAL PROVISIONS**

2 **SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.**

3 The Secretary, in consultation with the Director,
4 shall ensure that the Department and the Institute use
5 common sources of data in standardized formats.

6 **SEC. 182. PROHIBITIONS.**

7 (a) NATIONAL DATABASE.—Nothing in this title may
8 be construed to authorize the establishment of a nation-
9 wide database of individually identifiable information on
10 individuals involved in studies or other collections of data
11 under this title.

12 (b) FEDERAL GOVERNMENT AND USE OF FEDERAL
13 FUNDS.—Nothing in this title may be construed to au-
14 thorize an officer or employee of the Federal Government
15 to mandate, direct, or control the curriculum, program of
16 instruction, or allocation of State or local resources of a
17 State, local educational agency, or school, or to mandate
18 a State, or any subdivision thereof, to spend any funds
19 or incur any costs not provided for under this title.

20 (c) ENDORSEMENT OF CURRICULUM.—Notwith-
21 standing any other provision of Federal law, no funds pro-
22 vided under this title to the Institute, including any office,
23 board, committee, or center of the Institute, may be used
24 by the Institute to endorse, approve, or sanction any cur-

1 riculum designed to be used in an elementary school or
2 secondary school.

3 (d) FEDERALLY SPONSORED TESTING.—

4 (1) IN GENERAL.—Subject to paragraph (2), no
5 funds provided under this title to the Secretary or
6 to the recipient of any award may be used to de-
7 velop, pilot test, field test, implement, administer, or
8 distribute any federally sponsored national test in
9 reading, mathematics, or any other subject, unless
10 specifically and explicitly authorized by law.

11 (2) EXCEPTIONS.—Subsection (a) shall not
12 apply to international comparative assessments de-
13 veloped under the authority of section 153(a)(6) of
14 this title or section 404(a)(6) of the National Edu-
15 cation Statistics Act of 1994 (20 U.S.C. 9003(a)(6))
16 (as such section was in effect on the day before the
17 date of enactment of this Act) and administered to
18 only a representative sample of pupils in the United
19 States and in foreign nations.

20 **SEC. 183. CONFIDENTIALITY.**

21 (a) IN GENERAL.—All collection, maintenance, use,
22 and wide dissemination of data by the Institute, including
23 each office, board, committee, and center of the Institute,
24 shall conform with the requirements of section 552a of
25 title 5, United States Code, the confidentiality standards

1 of subsection (c) of this section, and sections 444 and 445
2 of the General Education Provisions Act (20 U.S.C.
3 1232g, 1232h).

4 (b) STUDENT INFORMATION.—The Director shall en-
5 sure that all individually identifiable information about
6 students, their academic achievements, their families, and
7 information with respect to individual schools, shall re-
8 main confidential in accordance with section 552a of title
9 5, United States Code, the confidentiality standards of
10 subsection (c) of this section, and sections 444 and 445
11 of the General Education Provisions Act (20 U.S.C.
12 1232g, 1232h).

13 **SEC. 184. AVAILABILITY OF DATA.**

14 Subject to section 183, data collected by the Insti-
15 tute, including any office, board, committee, or center of
16 the Institute, in carrying out the priorities and mission
17 of the Institute, shall be made available to the public, in-
18 cluding through use of the Internet.

19 **SEC. 185. PERFORMANCE MANAGEMENT.**

20 The Director shall ensure that all activities conducted
21 or supported by the Institute or a National Education
22 Center make customer service a priority. The Director
23 shall ensure a high level of customer satisfaction through
24 the following methods:

1 (1) Establishing and improving feedback mech-
2 anisms in order to anticipate customer needs.

3 (2) Disseminating information in a timely fash-
4 ion and in formats that are easily accessible and us-
5 able by researchers, practitioners, and the general
6 public.

7 (3) Utilizing the most modern technology and
8 other methods available, including arrangements to
9 use data collected electronically by States and local
10 educational agencies, to ensure the efficient collec-
11 tion and timely distribution of information, including
12 data and reports.

13 (4) Establishing and measuring performance
14 against a set of indicators for the quality of data
15 collected, analyzed, and reported.

16 (5) Continuously improving management strate-
17 gies and practices.

18 (6) Making information available to the public
19 in an expeditious fashion.

20 **SEC. 186. AUTHORITY TO PUBLISH.**

21 (a) PUBLICATION.—The Director may prepare and
22 publish (including through oral presentation) such re-
23 search, statistics (consistent with part C), and evaluation
24 information and reports from any office, board, com-
25 mittee, and center of the Institute, as needed to carry out

1 the priorities and mission of the Institute without the ap-
2 proval of the Secretary or any other office of the Depart-
3 ment.

4 (b) ADVANCE COPIES.—The Director shall provide
5 the Secretary and other relevant offices with an advance
6 copy of any information to be published under this section
7 before publication.

8 (c) PEER REVIEW.—All research, statistics, and eval-
9 uation reports conducted by, or supported through, the In-
10 stitute shall be subjected to rigorous peer review before
11 being published or otherwise made available to the public.

12 (d) ITEMS NOT COVERED.—Nothing in subsections
13 (a), (b), or (c) shall be construed to apply to—

14 (1) information on current or proposed budgets,
15 appropriations, or legislation;

16 (2) information prohibited from disclosure by
17 law or the Constitution, classified national security
18 information, or information described in section
19 552(b) of title 5, United States Code; and

20 (3) review by officers of the United States in
21 order to prevent the unauthorized disclosure of in-
22 formation described in paragraph (1) or (2).

23 **SEC. 187. VACANCIES.**

24 Any member appointed to fill a vacancy on the Board
25 occurring before the expiration of the term for which the

1 member's predecessor was appointed shall be appointed
2 only for the remainder of that term. A vacancy in an of-
3 fice, board, committee, or center of the Institute shall be
4 filled in the manner in which the original appointment was
5 made. This section does not apply to employees appointed
6 under section 188.

7 **SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.**

8 (a) IN GENERAL.—The Director may appoint, for
9 terms not to exceed 6 years (without regard to the provi-
10 sions of title 5, United States Code, governing appoint-
11 ment in the competitive service) and may compensate
12 (without regard to the provisions of chapter 51 and sub-
13 chapter III of chapter 53 of such title relating to classi-
14 fication and General Schedule pay rates) such scientific
15 or technical employees to carry out the functions of the
16 Institute or the office, board, committee, or center, respec-
17 tively, if—

18 (1) at least 30 days prior to the appointment
19 of any such employee, public notice is given of the
20 availability of such position and an opportunity is
21 provided for qualified individuals to apply and com-
22 pete for such position;

23 (2) the rate of basic pay for such employees
24 does not exceed the maximum rate of basic pay pay-
25 able for positions at GS–15, as determined in ac-

1 cordance with section 5376 of title 5, United States
2 Code, except that not more than 7 individuals ap-
3 pointed under this section may be paid at a rate
4 that does not exceed the rate of basic pay for level
5 III of the Executive Schedule;

6 (3) the appointment of such employee is nec-
7 essary (as determined by the Director on the basis
8 of clear and convincing evidence) to provide the In-
9 stitute or the office, board, committee, or center
10 with scientific or technical expertise which could not
11 otherwise be obtained by the Institute or the office,
12 board, committee, or center through the competitive
13 service; and

14 (4) the total number of such employees does not
15 exceed 40 individuals or $\frac{1}{5}$ of the number of full-
16 time, regular scientific or professional employees of
17 the Institute, whichever is greater.

18 (b) DUTIES OF EMPLOYEES.—All employees de-
19 scribed in subsection (a) shall work on activities of the
20 Institute or the office, board, committee, or center, and
21 shall not be reassigned to other duties outside the Insti-
22 tute or the office, board, committee, or center during their
23 term.

1 **SEC. 189. FELLOWSHIPS.**

2 In order to strengthen the national capacity to carry
3 out high-quality research, evaluation, and statistics related
4 to education, the Director shall establish and maintain re-
5 search, evaluation, and statistics fellowships in institutions
6 of higher education (which may include the establishment
7 of such fellowships in historically Black colleges and uni-
8 versities and other institutions of higher education with
9 large numbers of minority students) that support graduate
10 and postdoctoral study onsite at the Institute or at the
11 institution of higher education. In establishing the fellow-
12 ships, the Director shall ensure that women and minorities
13 are actively recruited for participation.

14 **SEC. 190. VOLUNTARY SERVICE.**

15 The Director may accept voluntary and uncompen-
16 sated services to carry out and support activities that are
17 consistent with the priorities and mission of the Institute.

18 **SEC. 191. RULEMAKING.**

19 Notwithstanding section 437(d) of the General Edu-
20 cation Provisions Act (20 U.S.C. 1232(d)), the exemption
21 for public property, loans, grants, and benefits in section
22 553(a)(2) of title 5, United States Code, shall apply to
23 the Institute.

1 **SEC. 192. COPYRIGHT.**

2 Nothing in this Act shall be construed to affect the
3 rights, remedies, limitations, or defense under title 17,
4 United States Code.

5 **SEC. 193. REMOVAL.**

6 (a) PRESIDENTIAL.—The Director and each member
7 of the Board may be removed by the President prior to
8 the expiration of the term of each such appointee.

9 (b) DIRECTOR.—Each Commissioner appointed by
10 the Director pursuant to section 117 may be removed by
11 the Director prior to the expiration of the term of each
12 such Commissioner.

13 **SEC. 194. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There are authorized to be appro-
15 priated to administer and carry out this title (except sec-
16 tion 174) \$400,000,000 for fiscal year 2003 and such
17 sums as may be necessary for each of the 5 succeeding
18 fiscal years, of which—

19 (1) not less than the amount provided to the
20 National Center for Education Statistics (as such
21 Center was in existence on the day before the date
22 of enactment of this Act) for fiscal year 2002 shall
23 be provided to the National Center for Education
24 Statistics, as authorized under part C; and

25 (2) not more than the lesser of 2 percent of
26 such funds or \$1,000,000 shall be made available to

1 carry out section 116 (relating to the National
2 Board for Education Sciences).

3 (b) REGIONAL EDUCATIONAL LABORATORIES.—
4 There are authorized to be appropriated to carry out sec-
5 tion 174 \$100,000,000 for fiscal year 2003 and such sums
6 as may be necessary for each of the 5 succeeding fiscal
7 years. Of the amounts appropriated under the preceding
8 sentence for a fiscal year, the Director shall obligate not
9 less than 25 percent to carry out such purpose with re-
10 spect to rural areas (including schools funded by the Bu-
11 reau which are located in rural areas).

12 (c) AVAILABILITY.—Amounts made available under
13 this section shall remain available until expended.

14 **TITLE II—EDUCATIONAL** 15 **TECHNICAL ASSISTANCE**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “Educational Technical
18 Assistance Act of 2002”.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

21 (1) IN GENERAL.—The terms “local educational
22 agency” and “State educational agency” have the
23 meanings given those terms in section 9101 of the
24 Elementary and Secondary Education Act of 1965
25 (20 U.S.C. 7801).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 **SEC. 203. COMPREHENSIVE CENTERS.**

4 (a) AUTHORIZATION.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 beginning in fiscal year 2004, the Secretary is au-
7 thorized to award not less than 20 grants to local
8 entities, or consortia of such entities, with dem-
9 onstrated expertise in providing technical assistance
10 and professional development in reading, mathe-
11 matics, science, and technology, especially to low-
12 performing schools and districts, to establish com-
13 prehensive centers.

14 (2) REGIONS.—In awarding grants under para-
15 graph (1), the Secretary—

16 (A) shall ensure that not less than 1 com-
17 prehensive center is established in each of the
18 10 geographic regions served by the regional
19 educational laboratories established under sec-
20 tion 941(h) of the Educational Research, Devel-
21 opment, Dissemination, and Improvement Act
22 of 1994 (as such provision existed on the day
23 before the date of enactment of this Act); and

24 (B) after meeting the requirements of sub-
25 paragraph (A), shall consider, in awarding the

1 remainder of the grants, the school-age popu-
2 lation, proportion of economically disadvantaged
3 students, the increased cost burdens of service
4 delivery in areas of sparse population, and the
5 number of schools identified for school improve-
6 ment (as described in section 1116(b) of the El-
7 elementary and Secondary Education Act of 1965
8 (20 U.S.C. 6316(b)) in the population served by
9 the local entity or consortium of such entities.

10 (b) ELIGIBLE APPLICANTS.—

11 (1) IN GENERAL.—Grants under this section
12 may be made with research organizations, institu-
13 tions, agencies, institutions of higher education, or
14 partnerships among such entities, or individuals,
15 with the demonstrated ability or capacity to carry
16 out the activities described in subsection (f), includ-
17 ing regional entities that carried out activities under
18 the Educational Research, Development, Dissemina-
19 tion, and Improvement Act of 1994 (as such Act ex-
20 isted on the day before the date of enactment of this
21 Act) and title XIII of the Elementary and Secondary
22 Education Act of 1965 (as such title existed on the
23 day before the date of enactment of the No Child
24 Left Behind Act of 2001 (Public Law 107–110)).

1 (2) OUTREACH.—In conducting competitions
2 for grants under this section, the Secretary shall ac-
3 tively encourage potential applicants to compete for
4 such awards by making widely available information
5 and technical assistance relating to the competition.

6 (3) OBJECTIVES AND INDICATORS.—Before
7 awarding a grant under this section, the Secretary
8 shall design specific objectives and measurable indi-
9 cators, using the results of the assessment conducted
10 under section 206, to be used to assess the par-
11 ticular programs or initiatives, and ongoing progress
12 and performance, of the regional entities, in order to
13 ensure that the educational needs of the region are
14 being met and that the latest and best research and
15 proven practices are being carried out as part of
16 school improvement efforts.

17 (c) APPLICATION.—

18 (1) SUBMISSION.—Each local entity, or consor-
19 tium of such entities, seeking a grant under this sec-
20 tion shall submit an application at such time, in
21 such manner, and containing such additional infor-
22 mation as the Secretary may reasonably require.

23 (2) PLAN.—Each application submitted under
24 paragraph (1) shall contain a 5-year plan for car-
25 rying out the activities described in this section in

1 a manner that addresses the priorities established
2 under section 207 and addresses the needs of all
3 States (and to the extent practicable, of local edu-
4 cational agencies) within the region to be served by
5 the comprehensive center, on an ongoing basis.

6 (d) ALLOCATION.—Each comprehensive center estab-
7 lished under this section shall allocate such center's re-
8 sources to and within each State in a manner which re-
9 flects the need for assistance, taking into account such
10 factors as the proportion of economically disadvantaged
11 students, the increased cost burden of service delivery in
12 areas of sparse populations, and any special initiatives
13 being undertaken by State, intermediate, local educational
14 agencies, or Bureau-funded schools, as appropriate, which
15 may require special assistance from the center.

16 (e) SCOPE OF WORK.—Each comprehensive center
17 established under this section shall work with State edu-
18 cational agencies, local educational agencies, regional edu-
19 cational agencies, and schools in the region where such
20 center is located on school improvement activities that
21 take into account factors such as the proportion of eco-
22 nomically disadvantaged students in the region, and give
23 priority to—

24 (1) schools in the region with high percentages
25 or numbers of students from low-income families, as

determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary

1 and Secondary Education Act of 1965 (20
2 U.S.C. 6301 et seq.);

3 (ii) the use of scientifically valid
4 teaching methods and assessment tools for
5 use by teachers and administrators in, at
6 a minimum—

7 (I) the core academic subjects of
8 mathematics, science, and reading or
9 language arts;

10 (II) English language acquisition;

11 and

12 (III) education technology; and

13 (iii) the facilitation of communication
14 between education experts, school officials,
15 teachers, parents, and librarians, as appro-
16 priate; and

17 (B) disseminating and providing informa-
18 tion, reports, and publications that are usable
19 for improving academic achievement, closing
20 achievement gaps, and encouraging and sus-
21 taining school improvement (as described in
22 section 1116(b) of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 6316(b))), to schools, educators, parents, and

1 policymakers within the region in which the
2 center is located; and

3 (C) developing teacher and school leader
4 inservice and preservice training models that il-
5 lustrate best practices in the use of technology
6 in different content areas.

7 (2) COORDINATION AND COLLABORATION.—

8 Each comprehensive center established under this
9 section shall coordinate its activities, collaborate,
10 and regularly exchange information with the regional
11 educational laboratory in the region in which the
12 center is located, the National Center for Education
13 Evaluation and Regional Assistance, the Office of
14 the Secretary, the State service agency, and other
15 technical assistance providers in the region.

16 (g) COMPREHENSIVE CENTER ADVISORY BOARD.—

17 (1) ESTABLISHMENT.—Each comprehensive
18 center established under this section shall have an
19 advisory board that shall support the priorities of
20 such center.

21 (2) DUTIES.—Each advisory board established
22 under paragraph (1) shall advise the comprehensive
23 center—

24 (A) concerning the activities described in
25 subsection (d);

1 (B) on strategies for monitoring and ad-
2 dressing the educational needs of the region, on
3 an ongoing basis;

4 (C) on maintaining a high standard of
5 quality in the performance of the center's ac-
6 tivities; and

7 (D) on carrying out the center's duties in
8 a manner that promotes progress toward im-
9 proving student academic achievement.

10 (3) COMPOSITION.—

11 (A) IN GENERAL.—Each advisory board
12 shall be composed of—

13 (i) the chief State school officers, or
14 such officers' designees or other State offi-
15 cials, in each State served by the com-
16 prehensive center who have primary re-
17 sponsibility under State law for elementary
18 and secondary education in the State; and

19 (ii) not more than 15 other members
20 who are representative of the educational
21 interests in the region served by the com-
22 prehensive center and are selected jointly
23 by the officials specified in clause (i) and
24 the chief executive officer of each State

1 served by the comprehensive center, includ-
2 ing the following:

3 (I) Representatives of local edu-
4 cational agencies and regional edu-
5 cational agencies, including represent-
6 atives of local educational agencies
7 serving urban and rural areas.

8 (II) Representatives of institu-
9 tions of higher education.

10 (III) Parents.

11 (IV) Practicing educators, includ-
12 ing classroom teachers, principals,
13 and administrators.

14 (V) Representatives of business.

15 (VI) Policymakers, expert practi-
16 tioners, and researchers with knowl-
17 edge of, and experience using, the re-
18 sults of research, evaluation, and sta-
19 tistics.

20 (B) SPECIAL RULE.—In the case of a
21 State in which the chief executive officer has
22 the primary responsibility under State law for
23 elementary and secondary education in the
24 State, the chief executive officer shall consult,
25 to the extent permitted by State law, with the

1 State educational agency in selecting additional
2 members of the board under subparagraph
3 (A)(i).

4 (h) REPORT TO SECRETARY.—Each comprehensive
5 center established under this section shall submit to the
6 Secretary an annual report, at such time, in such manner,
7 and containing such information as the Secretary may re-
8 quire, which shall include the following:

9 (1) A summary of the comprehensive center's
10 activities during the preceding year.

11 (2) A listing of the States, local educational
12 agencies, and schools the comprehensive center as-
13 sisted during the preceding year.

14 **SEC. 204. EVALUATIONS.**

15 The Secretary shall provide for ongoing independent
16 evaluations by the National Center for Education Evalua-
17 tion and Regional Assistance of the comprehensive centers
18 receiving assistance under this title, the results of which
19 shall be transmitted to the appropriate congressional com-
20 mittees and the Director of the Institute of Education
21 Sciences. Such evaluations shall include an analysis of the
22 services provided under this title, the extent to which each
23 of the comprehensive centers meets the objectives of its
24 respective plan, and whether such services meet the edu-

1 cational needs of State educational agencies, local edu-
2 cational agencies, and schools in the region.

3 **SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.**

4 The Secretary shall continue awards for the support
5 of the Eisenhower Regional Mathematics and Science
6 Education Consortia established under part M of the Edu-
7 cational Research, Development, Dissemination, and Im-
8 provement Act of 1994 (as such part existed on the day
9 before the date of enactment of this Act), the Regional
10 Technology in Education Consortia under section 3141 of
11 the Elementary and Secondary Education Act of 1965 (as
12 such section existed on the day before the date of enact-
13 ment of the No Child Left Behind Act of 2001 (Public
14 Law 107–110)), and the Comprehensive Regional Assist-
15 ance Centers established under part K of the Educational
16 Research, Development, Dissemination, and Improvement
17 Act of 1994 (as such part existed on the day before the
18 date of enactment of this Act), in accordance with the
19 terms of such awards, until the comprehensive centers au-
20 thorized under section 203 are established.

21 **SEC. 206. REGIONAL ADVISORY COMMITTEES.**

22 (a) ESTABLISHMENT.—Beginning in 2004, the Sec-
23 retary shall establish a regional advisory committee for
24 each region described in section 174(b) of the Education
25 Sciences Reform Act of 2002.

1 (b) MEMBERSHIP.—

2 (1) COMPOSITION.—The membership of each
3 regional advisory committee shall—

4 (A) not exceed 25 members;

5 (B) contain a balanced representation of
6 States in the region; and

7 (C) include not more than one representa-
8 tive of each State educational agency geographi-
9 cally located in the region.

10 (2) ELIGIBILITY.—The membership of each re-
11 gional advisory committee may include the following:

12 (A) Representatives of local educational
13 agencies, including rural and urban local edu-
14 cational agencies.

15 (B) Representatives of institutions of high-
16 er education, including individuals representing
17 university-based education research and univer-
18 sity-based research on subjects other than edu-
19 cation.

20 (C) Parents.

21 (D) Practicing educators, including class-
22 room teachers, principals, administrators,
23 school board members, and other local school
24 officials.

25 (E) Representatives of business.

1 (F) Researchers.

2 (3) RECOMMENDATIONS.—In choosing individ-
3 uals for membership on a regional advisory com-
4 mittee, the Secretary shall consult with, and solicit
5 recommendations from, the chief executive officers of
6 States, chief State school officers, and education
7 stakeholders within the applicable region.

8 (4) SPECIAL RULE.—

9 (A) TOTAL NUMBER.—The total number of
10 members on each committee who are selected
11 under subparagraphs (A), (C), and (D) of para-
12 graph (2), collectively, shall exceed the total
13 number of members who are selected under
14 paragraph (1)(C) and subparagraphs (B), (E),
15 and (F) of paragraph (2), collectively.

16 (B) DISSOLUTION.—Each regional advi-
17 sory committee shall be dissolved by the Sec-
18 retary after submission of such committee's re-
19 port described in subsection (c)(2) to the Sec-
20 retary, but each such committee may be recon-
21 vened at the discretion of the Secretary.

22 (c) DUTIES.—Each regional advisory committee shall
23 advise the Secretary on the following:

24 (1) An educational needs assessment of its re-
25 gion (using the results of the assessment conducted

1 under subsection (d)), in order to assist in making
2 decisions regarding the regional educational prior-
3 ities.

4 (2) Not later than 6 months after the com-
5 mittee is first convened, a report based on the as-
6 sessment conducted under subsection (d).

7 (d) REGIONAL ASSESSMENTS.—Each regional advi-
8 sory committee shall—

9 (1) assess the educational needs within the re-
10 gion to be served;

11 (2) in conducting the assessment under para-
12 graph (1), seek input from chief executive officers of
13 States, chief State school officers, educators, and
14 parents (including through a process of open hear-
15 ings to solicit the views and needs of schools (includ-
16 ing public charter schools), teachers, administrators,
17 members of the regional educational laboratory gov-
18 erning board, parents, local educational agencies, li-
19 brarians, businesses, State educational agencies, and
20 other customers (such as adult education programs)
21 within the region) regarding the need for the activi-
22 ties described in section 174 of the Education
23 Sciences Reform Act of 2002 and section 203 of this
24 title and how those needs would be most effectively
25 addressed; and

1 (3) submit the assessment to the Secretary and
2 to the Director of the Academy of Education
3 Sciences, at such time, in such manner, and con-
4 taining such information as the Secretary may re-
5 quire.

6 **SEC. 207. PRIORITIES.**

7 The Secretary shall establish priorities for the re-
8 gional educational laboratories (established under section
9 174 of the Education Sciences Reform Act of 2002) and
10 comprehensive centers (established under section 203 of
11 this title) to address, taking onto account the regional as-
12 sessments conducted under section 206 and other relevant
13 regional surveys of educational needs, to the extent the
14 Secretary deems appropriate.

15 **SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITU-**
16 **DINAL DATA SYSTEMS.**

17 (a) GRANTS AUTHORIZED.—The Secretary is author-
18 ized to award grants, on a competitive basis, to State edu-
19 cational agencies to enable such agencies to design, de-
20 velop, and implement statewide, longitudinal data systems
21 to efficiently and accurately manage, analyze,
22 disaggregate, and use individual student data, consistent
23 with the Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 6301 et seq.).

1 (b) APPLICATIONS.—Each State educational agency
2 desiring a grant under this section shall submit an appli-
3 cation to the Secretary at such time, in such manner, and
4 accompanied by such information as the Secretary may
5 reasonably require.

6 (c) AWARDING OF GRANTS.—In awarding grants
7 under this section, the Secretary shall use a peer review
8 process that—

9 (1) ensures technical quality (including validity
10 and reliability), promotes linkages across States, and
11 protects student privacy consistent with section 183;

12 (2) promotes the generation and accurate and
13 timely use of data that is needed—

14 (A) for States and local educational agen-
15 cies to comply with the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 6301
17 et seq.) and other reporting requirements and
18 close achievement gaps; and

19 (B) to facilitate research to improve stu-
20 dent academic achievement and close achieve-
21 ment gaps; and

22 (3) gives priority to applications that meet the
23 voluntary standards and guidelines described in sec-
24 tion 153(a)(5).

1 (d) SUPPLEMENT NOT SUPPLANT.—Funds made
2 available under this section shall be used to supplement,
3 and not supplant, other State or local funds used for de-
4 veloping State data systems.

5 (e) REPORT.—Not later than 1 year after the date
6 of enactment of the Educational Technical Assistance Act
7 of 2002, and again 3 years after such date of enactment,
8 the Secretary, in consultation with the National Acad-
9 emies Committee on National Statistics, shall make pub-
10 licly available a report on the implementation and effec-
11 tiveness of Federal, State, and local efforts related to the
12 goals of this section, including—

13 (1) identifying and analyzing State practices re-
14 garding the development and use of statewide, longi-
15 tudinal data systems;

16 (2) evaluating the ability of such systems to
17 manage individual student data consistent with the
18 Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 6301 et seq.), promote linkages across
20 States, and protect student privacy consistent with
21 section 183; and

22 (3) identifying best practices and areas for im-
23 provement.

1 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this title \$80,000,000 for fiscal year 2003 and such sums
4 as may be necessary for each of the 5 succeeding fiscal
5 years.

6 **TITLE III—NATIONAL ASSESS-**
7 **MENT OF EDUCATIONAL**
8 **PROGRESS**

9 **SEC. 301. SHORT TITLE.**

10 This title may be referred to as the “National Assess-
11 ment of Educational Progress Authorization Act”.

12 **SEC. 302. DEFINITIONS.**

13 In this title:

14 (1) The term “Director” means the Director of
15 the Institute of Education Sciences.

16 (2) The term “State” means each of the 50
17 States, the District of Columbia, and the Common-
18 wealth of Puerto Rico.

19 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be
21 appropriated—

22 (1) for fiscal year 2003—

23 (A) \$4,600,000 to carry out section 302,
24 as amended by section 401 of this Act (relating
25 to the National Assessment Governing Board);
26 and

1 (B) \$107,500,000 to carry out section 303,
2 as amended by section 401 of this Act (relating
3 to the National Assessment of Educational
4 Progress); and

5 (2) such sums as may be necessary for each of
6 the 5 succeeding fiscal years to carry out sections
7 302 and 303, as amended by section 401 of this Act.

8 (b) AVAILABILITY.—Amounts made available under
9 this section shall remain available until expended.

10 **TITLE IV—AMENDATORY** 11 **PROVISIONS**

12 **SEC. 401. REDESIGNATIONS.**

13 (a) CONFIDENTIALITY.—Section 408 of the National
14 Education Statistics Act of 1994 (20 U.S.C. 9007) is
15 amended—

16 (1) by striking “center”, “Center”, and “Com-
17 missioner” each place any such term appears and in-
18 serting “Director”;

19 (2) in subsection (a)(2)(A), by striking “statis-
20 tical purpose” and inserting “research, statistics, or
21 evaluation purpose under this title”;

22 (3) by striking subsection (b)(1) and inserting
23 the following:

24 “(1) IN GENERAL.—

1 “(A) DISCLOSURE.—No Federal depart-
2 ment, bureau, agency, officer, or employee and
3 no recipient of a Federal grant, contract, or co-
4 operative agreement may, for any reason, re-
5 quire the Director, any Commissioner of a Na-
6 tional Education Center, or any other employee
7 of the Institute to disclose individually identifi-
8 able information that has been collected or re-
9 tained under this title.

10 “(B) IMMUNITY.—Individually identifiable
11 information collected or retained under this title
12 shall be immune from legal process and shall
13 not, without the consent of the individual con-
14 cerned, be admitted as evidence or used for any
15 purpose in any action, suit, or other judicial or
16 administrative proceeding.

17 “(C) APPLICATION.—This paragraph does
18 not apply to requests for individually identifi-
19 able information submitted by or on behalf of
20 the individual identified in the information.”;

21 (4) in paragraphs (2) and (6) of subsection (b),
22 by striking “subsection (a)(2)” each place such term
23 appears and inserting “subsection (c)(2)”;

1 (5) in paragraphs (3) and (7) of subsection (b),
2 by striking “Center’s” each place such term appears
3 and inserting “Director’s”; and

4 (6) by striking the section heading and trans-
5 ferring all the subsections (including subsections (a)
6 through (c)) and redesignating such subsections as
7 subsection (c) through (e), respectively, at the end
8 of section 183 of this Act.

9 (b) CONFORMING AMENDMENT.—Sections 302 and
10 303 of this Act are redesignated as sections 304 and 305,
11 respectively.

12 (c) NATIONAL ASSESSMENT GOVERNING BOARD.—
13 Section 412 of the National Education Statistics Act of
14 1994 (20 U.S.C. 9011) is amended—

15 (1) in subsection (a)—

16 (A) by striking “referred to as the
17 ‘Board’” and inserting “referred to as the ‘As-
18 sessment Board’”; and

19 (B) by inserting “(carried out under sec-
20 tion 303)” after “for the National Assessment”;

21 (2) by striking “Board” each place such term
22 appears (other than in subsection (a)) and inserting
23 “Assessment Board”;

1 (3) by striking “Commissioner” each place such
2 term appears and inserting “Commissioner for Edu-
3 cation Statistics”;

4 (4) in subsection (b)(2)—

5 (A) by striking “ASSISTANT SECRETARY
6 FOR EDUCATIONAL RESEARCH” in the heading
7 and inserting “DIRECTOR OF THE INSTITUTE
8 OF EDUCATION SCIENCES”; and

9 (B) by striking “Assistant Secretary for
10 Educational Research and Improvement” and
11 inserting “Director of the Institute of Edu-
12 cation Sciences”;

13 (5) in subsection (e)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
16 “section 411(b)” and inserting “section
17 303(b)”;

18 (ii) in subparagraph (B), by striking
19 “section 411(e)” and inserting “section
20 303(e)”;

21 (iii) in subparagraph (E), by striking
22 “, including the Advisory Council estab-
23 lished under section 407”;

1 (iv) in subparagraphs (F) and (I), by
2 striking “section 411” each place such
3 term appears and inserting “section 303”;

4 (v) in subparagraph (H), by striking
5 “and” after the semicolon;

6 (vi) in subparagraph (I), by striking
7 the period at the end and inserting “;
8 and”; and

9 (vii) by inserting at the end the fol-
10 lowing:

11 “(J) plan and execute the initial public re-
12 lease of National Assessment of Educational
13 Progress reports.

14 The National Assessment of Educational Progress
15 data shall not be released prior to the release of the
16 reports described in subparagraph (J).”;

17 (B) in paragraph (5), by striking “and the
18 Advisory Council on Education Statistics”; and

19 (C) in paragraph (6), by striking “section
20 411(e)” and inserting “section 303(e)”; and

21 (6) by transferring and redesignating the sec-
22 tion as section 302 (following section 301) of title
23 III of this Act.

1 (d) NATIONAL ASSESSMENT OF EDUCATIONAL
2 PROGRESS.—Section 411 of the National Education Sta-
3 tistics Act of 1994 (20 U.S.C. 9010) is amended—

4 (1) by striking “Commissioner” each place such
5 term appears and inserting “Commissioner for Edu-
6 cation Statistics”;

7 (2) by striking “National Assessment Governing
8 Board” and “National Board” each place either
9 such term appears and inserting “Assessment
10 Board”;

11 (3) in subsection (a)—

12 (A) by striking “section 412” and insert-
13 ing “section 302”; and

14 (B) by striking “and with the technical as-
15 sistance of the Advisory Council established
16 under section 407,”;

17 (4) in subsection (b)—

18 (A) in paragraph (1), by inserting “of”
19 after “academic achievement and reporting”;

20 (B) in paragraph (3)(A)—

21 (i) in clause (i), by striking “para-
22 graphs (1)(B) and (1)(E)” and inserting
23 “paragraphs (2)(B) and (2)(E)”;

1 (ii) in clause (ii), by striking “para-
 2 graph (1)(C)” and inserting “paragraph
 3 (2)(C)”; and

4 (iii) in clause (iii), by striking “para-
 5 graph (1)(D)” and inserting “paragraph
 6 (2)(D)”; and

7 (C) in paragraph (5), by striking “(c)(2)”
 8 and inserting “(c)(3)”;

9 (5) in subsection (c)(2)(D), by striking “sub-
 10 paragraph (B)” and inserting “subparagraph (C)”;

11 (6) in subsection (e)(4), by striking “subpara-
 12 graph (2)(C)” and inserting “paragraph (2)(C) of
 13 such subsection”;

14 (7) in subsection (f)(1)(B)(iv), by striking “sec-
 15 tion 412(e)(4)” and inserting “section 302(e)(4)”;
 16 and

17 (8) by transferring and redesignating the sec-
 18 tion as section 303 (following section 302) of title
 19 III of this Act.

20 (e) TABLE OF CONTENTS AMENDMENT.—The items
 21 relating to title III in the table of contents of this Act,
 22 as amended by section 401 of this Act, are amended to
 23 read as follows:

“TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL
 PROGRESS

“Sec. 301. Short title.

“Sec. 302. National Assessment Governing Board.

“Sec. 303. National Assessment of Educational Progress.

“Sec. 304. Definitions.

“Sec. 305. Authorization of appropriations.”.

1 **SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION**

2 **ORGANIZATION ACT.**

3 The Department of Education Organization Act (20
4 U.S.C. 3401 et seq.) is amended—

5 (1) by striking section 202(b)(4) and inserting
6 the following:

7 “(4) There shall be in the Department a Director of
8 the Institute of Education Sciences who shall be appointed
9 in accordance with section 114(a) of the Education
10 Sciences Reform Act of 2002 and perform the duties de-
11 scribed in that Act.”;

12 (2) by striking section 208 and inserting the
13 following:

14 “INSTITUTE OF EDUCATION SCIENCES

15 “SEC. 208. There shall be in the Department of Edu-
16 cation the Institute of Education Sciences, which shall be
17 administered in accordance with the Education Sciences
18 Reform Act of 2002 by the Director appointed under sec-
19 tion 114(a) of that Act.”; and

20 (3) by striking the item relating to section 208
21 in the table of contents in section 1 and inserting
22 the following:

“Sec. 208. Institute of Education Sciences.”.

1 **SEC. 403. REPEALS.**

2 The following provisions of law are repealed:

3 (1) The National Education Statistics Act of
4 1994 (20 U.S.C. 9001 et seq.).

5 (2) Parts A through E and K through N of the
6 Educational Research, Development, Dissemination,
7 and Improvement Act of 1994 (title IX of the Goals
8 2000: Educate America Act) (20 U.S.C. 6001 et
9 seq.).

10 (3) Section 401(b)(2) of the Department of
11 Education Organization Act (20 U.S.C. 3461(b)(2)).

12 **SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.**

13 (a) GOALS 2000: EDUCATE AMERICA ACT.—The
14 table of contents in section 1(b) of the Goals 2000: Edu-
15 cate America Act (20 U.S.C. 5801 note) is amended by
16 striking the items relating to parts A through E of title
17 IX (including the items relating to sections within those
18 parts).

19 (b) TITLE 5, UNITED STATES CODE.—Section 5315
20 of title 5, United States Code, is amended by striking the
21 following:

22 “Commissioner, National Center for Education Sta-
23 tistics.”.

24 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
25 tion 447(b) of the General Education Provisions Act (20
26 U.S.C. 1232j(b)) is amended by striking “section

1 404(a)(6) of the National Education Statistics Act of
 2 1994 (20 U.S.C. 9003(a)(6))” and inserting “section
 3 153(a)(6) of the Education Sciences Reform Act of 2002”.

4 (d) ELEMENTARY AND SECONDARY EDUCATION ACT
 5 OF 1965.—The Elementary and Secondary Education Act
 6 of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

7 (1) Section 1111(c)(2) is amended by striking
 8 “section 411(b)(2) of the National Education Statis-
 9 tics Act of 1994” and inserting “section 303(b)(2)
 10 of the National Assessment of Educational Progress
 11 Authorization Act”.

12 (2) Section 1112(b)(1)(F) is amended by strik-
 13 ing “section 411(b)(2) of the National Education
 14 Statistics Act of 1994” and inserting “section
 15 303(b)(2) of the National Assessment of Edu-
 16 cational Progress Authorization Act”.

17 (3) Section 1117(a)(3) is amended—

18 (A) by inserting “(as such section existed
 19 on the day before the date of enactment of the
 20 Education Sciences Reform Act of 2002)” after
 21 “Act of 1994”; and

22 (B) by inserting “regional educational lab-
 23 oratories established under part E of the Edu-
 24 cation Sciences Reform Act of 2002 and com-
 25 prehensive centers established under the Edu-

1 cational Technical Assistance Act of 2002 and”
2 after “assistance from”.

3 (4) Section 1501(a)(3) is amended by striking
4 “section 411 of the National Education Statistics
5 Act of 1994” and inserting “section 303 of the Na-
6 tional Assessment of Educational Progress Author-
7 ization Act”.

8 (5) The following provisions are each amended
9 by striking “Office of Educational Research and Im-
10 provement” and inserting “Institute of Education
11 Sciences”:

12 (A) Section 3222(a) (20 U.S.C. 6932(a)).

13 (B) Section 3303(1) (20 U.S.C. 7013(1)).

14 (C) Section 5464(e)(1) (20 U.S.C.
15 7253c(e)(1)).

16 (D) Paragraphs (1) and (2) of section
17 5615(d) (20 U.S.C. 7283d(d)).

18 (E) Paragraphs (1) and (2) of section
19 7131(c) (20 U.S.C. 7451(c)).

20 (6) Paragraphs (1) and (2) of section 5464(e)
21 (20 U.S.C. 7253c(e)) are each amended by striking
22 “such Office” and inserting “such Institute”.

23 (7) Section 5613 (20 U.S.C. 7283b) is
24 amended—

1 (A) in subsection (a)(5), by striking “As-
2 sistant Secretary of the Office of Educational
3 Research and Improvement” and inserting “Di-
4 rector of the Institute of Education Sciences”;
5 and

6 (B) in subsection (b)(2)(B), by striking
7 “research institutes of the Office of Educational
8 Research and Improvement” and inserting
9 “National Education Centers of the Institute of
10 Education Sciences”.

11 (8) Sections 5615(d)(1) and 7131(c)(1) (20
12 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended
13 by striking “by the Office” and inserting “by the In-
14 stitute”.

15 (9) Section 9529(b) is amended by striking
16 “section 404(a)(6) of the National Education Statis-
17 tics Act of 1994” and inserting “section 153(a)(5)
18 of the Education Sciences Reform Act of 2002”.

19 (e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF
20 1994.—Section 404 of the School-to-Work Opportunities
21 Act of 1994 (20 U.S.C. 6194) is amended by inserting
22 “(as such Act existed on the day before the date of enact-
23 ment of the Education Sciences Reform Act of 2002)”
24 after “Act of 1994”.

1 **SEC. 405. ORDERLY TRANSITION.**

2 The Secretary of Education shall take such steps as
3 are necessary to provide for the orderly transition to, and
4 implementation of, the offices, boards, committees, and
5 centers (and their various functions and responsibilities)
6 established or authorized by this Act, and by the amend-
7 ments made by this Act, from those established or author-
8 ized by the Educational Research, Development, Dissemi-
9 nation, and Improvement Act of 1994 (20 U.S.C. 6001
10 et seq.) and the National Education Statistics Act of 1994
11 (20 U.S.C. 9001 et seq.).

○